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### PUBLISHERS' NOTE.

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“THE Philosophical, Literary, and Professional Works of Francis Bacon,” in seven volumes, octavo, was issued in England in 1857-59, under the editorship of Messrs. Spedding, Ellis, and Heath, and reprinted in this country with the sanction and aid of Mr. Spedding, in fifteen volumes, crown octavo. The plan of the English edition intended a second series, to contain the occasional writings of Bacon, and this series, under the editorship of Mr. Spedding alone, followed in 1861-1874, and occupied seven volumes, uniform with the previous series. It was so far a distinct work as to take on an independent title, as follows:—

“The Letters and the Life of Francis Bacon, including all his Occasional Works, namely, Letters, Speeches, Tracts, State Papers, Memorials, Devices, and all authentic writings not already printed among his Philosophical, Literary, or Professional Works: newly collected and set forth in chronological order, with a Commentary, biographical and historical; by James Spedding.”

This descriptive title indicates the editor's purpose to make the later division of Bacon's writings as exhaustive as the earlier; the character of the writings led him to present them in a different manner. In the first series, critical and historical prefaces and notes precede and accompany the separate works; in the second, a bio-

graphical and historical commentary forms a frame in which are set the letters and occasional writings, so that while the book is entitled "The Letters and the Life of Francis Bacon," not far from one half of the whole work consists of Mr. Spedding's commentary. As Bacon entered the service of the state when twenty-four years old, and remained in it until his death, and as the years included by his life, 1560-1628, covered one of the notable periods of English history, it is plain that the resulting work must be a contribution both to the personal history of Bacon and to the political history of England.

Covering this field and displaying so minute a criticism, "The Letters and the Life of Bacon" is a comprehensive and suggestive work, which no thorough student of Bacon and his times can afford to neglect. But the comprehensiveness of the plan has stood in the way of a republication of the book in this country. The number of scholars who can give themselves to so full an examination of the subject is necessarily small, and for such the original edition remains. But the recent issue here of a Popular Edition of Bacon's works, in two volumes, gathered from the complete edition in fifteen volumes, has met with so hearty a reception from the public as to encourage the publishers in the belief that there is a large body of readers interested in Bacon and his writings, who would gladly avail themselves of an opportunity to read a biography which should present the result of the most thorough criticism and inquiry, and include so much of contemporary history as is needed to give the Life its proper setting.

With this view the present work has been planned and executed. Mr. Spedding, in the original edition, gave every scrap of Bacon's writings, not included in the previous series, which he could discover, adding also various

papers conjecturally Bacon's, and supplied the reader with all necessary apparatus for an intelligent apprehension of the occasion, scope, and influence of these writings. His plan led him into many subjects which have only an antiquarian interest, but it also required him to examine and state anew many points of English history which never can lose their interest for English and American readers. The editor of this American abridgment has followed Mr. Spedding's order and authority in all points; his part has been to retain those portions which he judges to be of most interest to American readers. The result is that the relations of the two parts of the work have been somewhat altered. The commentary has become the main thing, and the writings are introduced as illustrating that. Hence, the book is no longer the *Letters and the Life*; it is not even the *Life and the Letters*, for the letters form so subordinate a part that the introduction of the word in the title would be misleading. Bacon's letters form a considerable portion of the original work, but in any popular and brief life of Bacon, the majority of them are not essential to the reader, although necessary to the writer.

The task of condensation was undertaken with Mr. Spedding's permission, but without any suggestion from him as to its scope. When the selections had been made, he examined them with a view of their being read as a separate *Life*, inserted what he thought wanting in the way of connection or explanation, and corrected such errors or supplied such deficiencies as he had discovered since the publication of his original work. The book, therefore, as it now stands, may be regarded as embodying the editor's conception of what would be chosen by an American reader who should judiciously skip in his reading of the original work, and Mr. Spedding's final



literary revision. For the selection (though modified here and there according to Mr. Spedding's suggestions) the editor is responsible. The text is wholly Mr. Spedding's.

With regard to the specific division into chapters, and the selection of foot-notes, the editor has used his discretion, without recourse to Mr. Spedding. In the original work, the division was into books, chapters and sections. In this, the order of books has been followed, the section divisions have been dropped, and the chapters have been reformed to meet the necessities of an abridgment which sometimes accepted an entire chapter, sometimes combined several chapters into one. In selecting the foot-notes, the editor's plan has been to retain generally those which supplement the text, and a few which refer to authorities accessible to American students; he has omitted those which point to authorities not accessible, or are introduced to enable students to verify statements in the text. The general reader must and will accept Mr. Spedding's word in a work of this kind; if he wishes for final authorities, he will find abundant help in his search by a reference to Mr. Spedding's original work.

\*.\* The footnote references to Bacon's Works are in all cases to the Popular Edition in two volumes, published by Houghton, Osgood & Co., unless otherwise specified.

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# FRANCIS BACON AND HIS TIMES.

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## BOOK I.

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### CHAPTER I.

A. D. 1560-1584. *ÆTAT.* 1-24.

FRANCIS BACON was born among great events, and brought up among the persons who had to deal with them. It was on the 22d of January, 1560-1, while the young Queen of Scotland, a two-months' widow, was rejecting the terms of reconciliation with England which Elizabeth proffered, and a new Pope in the Vatican was preparing to offer the terms of reconciliation with Rome which Elizabeth rejected, — that he came crying into the world, the youngest son of Sir Nicholas Bacon, Lord Keeper of the Great Seal, and Ann, second daughter of Sir Anthony Cooke, an accomplished lady, sister-in-law to the then Secretary of State, Sir William Cecil. There is no reason to suppose that he was regarded as a wonderful child. Of the first sixteen years of his life indeed nothing is known that distinguishes him from a hundred other clever and well-disposed boys. He was born at York House, his father's London residence, opening into the Strand (not yet a street) on the north, and sloping pleasantly to the Thames (not yet built out) on the south. Sometimes there, and sometimes at Gorhambury in Hertfordshire, he passed his infancy; the youngest of

eight children—six by a former marriage. In April, 1578, he went to Trinity College, Cambridge, a little earlier than was then usual, being twelve years and three months old. There he resided in the same rooms with his brother Anthony (his own brother, two years older than himself), studying diligently, until Christmas, 1575; apparently with only one considerable interval (*i. e.* from the latter end of August, 1574, to the beginning of March), when the University was dispersed on account of the plague. On the 25th of the following June he and his brother Anthony were admitted "*de societate magistrorum*" of Gray's Inn: that is, I suppose, *ancients*; a privilege to which they were entitled as the sons of a judge. If we add that during his residence at Cambridge he was rather sickly, as appears by the frequent payments to the "*potigarie*" in Whitgift's accounts, and that his talents or manners had already been remarked by the courtiers, and drawn him the special notice of the Queen herself, who would often talk with him and playfully call him the young Lord Keeper, we have all that is known about him for the first fifteen years and nine months of his life.

Brief however and barren as this record appears, it may help us, when studied by the light which his subsequent history throws back upon it, to understand in what manner and in what degree the accidents of his birth and education had prepared him for the scene on which he was entering. When the temperament is quick and sensitive, the desire of knowledge strong, and the faculties so vigorous, obedient, and equably developed that they find almost all things easy, the mind will commonly fasten upon the first object of interest that presents itself, with the ardor of a first love. Now these qualities, which so eminently distinguished Bacon as a man, must have been in him from a boy; and if we would know the source of those great impulses which began to

work in him so early and continued to govern him so long, we must look for it among the circumstances by which his boyhood was surrounded. What his mother taught him we do not know ; but we know that she was a learned, eloquent, and religious woman, full of affection and puritanic fervor, deeply interested in the condition of the Church, and perfectly believing that the cause of the Nonconformists was the whole cause of Christ. Such a mother could not but endeavor to lead her child's mind into the temple where her own treasure was laid up, and the child's mind, so led, could not but follow thither with awful curiosity and impressions not to be effaced. Neither do we know what his father taught him ; but he appears to have designed him for the service of the State, and we need not doubt that the son of Elizabeth's Lord Keeper, and nephew of her principal Secretary, early imbibed a reverence for the mysteries of statesmanship, and a deep sense of the dignity, responsibility, and importance of the statesman's calling. It is probable that he was present more than once, when old enough to observe and understand such matters, at the opening of Parliament, and heard his father, standing at the Queen's side, declare to the assembled Lords and Commons the causes of their meeting. It is certain that he was more than once in the immediate presence of the Queen herself, smiled on by the countenance which was looked up to by all the young and all the old around him with love and fear and reverence. Everything that he saw and heard ; the alarms, the hopes, the triumphs of the time ;<sup>1</sup> the magnitude of the interests which depended upon her government ; the high flow of loyalty which buoyed her up and bore her forward ; the imposing character of her council, a character which still stands out distinctly eminent at the distance of nearly

<sup>1</sup> He was nine years old when the Bull of Excommunication was published and the Rebellion in the North broke out.

three centuries : must have contributed to excite in the boy's heart a devotion for her person and her cause. So situated, it must have been as difficult for a young and susceptible imagination not to aspire after civil dignities as for a boy bred in camps not to long to be a soldier. But the time for these was not yet come. For the present his field of ambition was still in the school-room and library ; where perhaps from the delicacy of his constitution he was more at home than in the playground. His career there was victorious ; new prospects of boundless extent opening on every side ; till at length, just about the age at which an intellect of quick growth begins to be conscious of original power, he was sent to the University, where he hoped to learn all that men knew. By the time however that he had gone through the usual course and heard what the various professors had to say, he was conscious of a disappointment. It seemed that towards the end of the sixteenth century men neither knew nor aspired to know more than was to be learned from Aristotle ; a strange thing at any time ; more strange than ever just then, when the heavens themselves seemed to be taking up the argument on their own behalf, and by suddenly lighting up within the very region of the Unchangeable and Incorruptible, and presently extinguishing, a new fixed star as bright as Jupiter (the new star in Cassiopeia shone with full lustre on Bacon's freshmanship) to be protesting by signs and wonders against the cardinal doctrine of the Aristotelian philosophy. It was then that a thought struck him, the date of which deserves to be recorded, not for anything extraordinary in the thought itself, which had probably occurred to others before him, but for its influence upon his after-life. If our study of nature be thus barren, he thought, our method of study must be wrong : might not a better method be found ? The suggestion was simple and obvious. The singularity was in the way he

took hold of it. With most men such a thought would have come and gone in a passing regret; a few might have matured it into a wish; some into a vague project; one or two might perhaps have followed it out so far as to attain a distinct conception of the better method, and hazard distant indication of the direction in which it lay. But in him the gift of seeing in prophetic vision what might be and ought to be was united with the practical talent of devising means and handling minute details. He could at once imagine like a poet and execute like a clerk of the works. Upon the conviction *This may be done*, followed at once the question *How may it be done?* Upon that question answered, followed the resolution to try and do it.

Of the degrees by which the suggestion ripened into a project, the project into an undertaking, and the undertaking unfolded itself into distinct proportions and the full grandeur of its total dimensions, I can say nothing. But that the thought first occurred to him during his residence at Cambridge, therefore before he had completed his fifteenth year, we know upon the best authority — his own statement to Dr. Rawley. I believe it ought to be regarded as the most important event of his life; the event which had a greater influence than any other upon his character and future course. From that moment there was awakened within his breast the appetite which cannot be satiated, and the passion which cannot commit excess. From that moment he had a vocation which employed and stimulated all the energies of his mind, gave a value to every vacant interval of time, an interest and significance to every random thought and casual accession of knowledge; an object to live for as wide as humanity, as immortal as the human race; an idea to live in vast and lofty enough to fill the soul forever with religious and heroic aspirations. From that moment, though still subject to interruptions, disappoint-



ments, errors, and regrets, he could never be without either work or hope or consolation.

So much with regard to the condition of his mind at this period we may I think reasonably assume, without trespassing upon the province of the novelist. Such a mind as we know from after experience that Bacon possessed, could not have grown up among such circumstances without receiving impressions and impulses of this kind. He could not have been bred under such a mother without imbibing some portion of her zeal in the cause of the reformed religion; he could not have been educated in the house of such a father, surrounded by such a court, in the middle of such agitations, without feeling loyal aspirations for the cause of his Queen and country; he could not have entertained the idea that the fortunes of the human race might by a better application of human industry be redeemed and put into a course of continual improvement, without conceiving an eager desire to see the process begun.

Assuming then that a deep interest in these three great causes — the cause of reformed religion, of his native country, of the human race through all their generations — was thus early implanted in that vigorous and virgin soil, we must leave it to struggle up as it may, according to the accidents of time and weather. Many a bad season it will meet with; many a noble promise will be broken.

*Sapius illum*

*Expectata seges vanis eludet aristas.*

It is the universal error of hope and youth to overlook impediments and embrace more than can be accomplished, and to the latter years of all great undertakings is left the melancholy task of selecting from among many cherished purposes those which with least injury to the whole design may be abandoned. But though in the history of society an abandoned purpose may rightly go for nothing, it is not so in the history of a man. A man's in-

tentions, so long as they deserve the name of intentions, mix with his views, affect his actions, and are so much a part of himself that unless we take them into the account we can never understand the real conditions of the problem which his life presents to him for solution. Of Bacon's life at any rate I am persuaded that no man will ever form a correct idea, unless he bear in mind that from very early youth his heart was divided between these *three* objects, distinct but not discordant; and that though the last and in our eyes the greatest was his favorite and his own, the other two never lost their hold upon his affections. Not until he felt his years huddling and hurrying to their close did he consent to abandon the hope of doing something for them all; nor indeed is it easy to find any period of his life in which some fortunate turn of affairs might not have enabled him to fulfill it.

But these perplexing necessities are as yet far away, beyond the horizon. For the present we must picture him as in the season of victorious and all-embracing hope, dreaming on things to come, and rehearsing his life to himself in that imaginary theatre where all things go right; for such was his case when — a hopeful, sensitive, brotherly, amiable boy, wise and well-informed for his age, and glowing with noble aspirations — he put forth into the world with happy auspices in his sixteenth year.

Sir Nicholas Bacon could not be unaware of his favorite son's rare qualifications for civil employment. He knew, by seventeen years' experience of Elizabeth's arduous, anxious, and prosperous government, how deeply the State stood in need of the best abilities it could command. Perhaps he regretted to see such a mind turning its energies to objects which were really of less immediate urgency, and probably seemed to him of less ultimate importance (for in the eyes of an old privy councillor the King of Spain might well appear to be a more dangerous

enemy of the human race than Aristotle): and being deeply impressed with the perilous condition in which England and therefore the Protestant religion — *the religion*, as he would have called it — then stood, wished to draw him away from the pursuit of shadows by placing him face to face with the realities of life. At that moment a favorable opportunity presented itself. If England showed an example of the splendid effects of successful government dealing with difficult times, France showed an example not less striking of the fatal results of *misgovernment*, in circumstances not otherwise much unlike. Both countries possessed great natural advantages: in both the materials of trouble abounded, arising in both from the same cause — divisions in religion. Yet in England all functions of the State proceeded in healthy, vigorous, and united action, while in France everything was in misery and disorder, — “the offices of justice sold, the treasury wasted, the people polled, the country destroyed;”<sup>1</sup> and all through a few years of corrupt, violent, or feeble administration. Just then Sir Amias Paulet was going out as ambassador to France, and Sir Nicholas resolved that his son, who had seen at home the efficacy of a good regimen in keeping the body politic sound, should go with him, and see the symptoms of disease produced in a similar subject by a bad one.

Sir Amias landed at Calais on the 25th of September, 1576, and succeeded Dr. Dale as ambassador in France in the following February. With the particulars of his employment we need not trouble ourselves, as it is not probable that Francis, though he is said to have been once sent home with a message to the Queen, had much to do with them. But the general aspect of affairs on the continent of Europe would naturally engage the attention of an intelligent boy, and the house of the English ambas-

<sup>1</sup> *Notes on the Present State of Christendom* (questionably attributed to Bacon).

sador in France would give him the best opportunities of understanding the movements of the different powers, and their bearing upon the interests of his own country. The period of his residence there was full of great matters. It included the short, aspiring, and dangerous career of Don John of Austria ; his "perpetual edict of peace" pretended and broken ; his victory at Gemblours ; his practices by secret help from the Pope to marry the Queen of Scots and invade England ; his death "in no ill season." It included the treaty of mutual assistance between England and the states of Holland ; the ineffectual effort made by England, France, and Austria to compose the troubles of the Netherlands ; the beginning and the end of the sixth civil war in France ; the opening of the negotiation for a marriage between Elizabeth and the Duke of Anjou ; the preparation and accidental diversion of a design for invading Ireland, under Sebastian King of Portugal, and Thomas Stukley the English fugitive, supported by the Pope and the King of Spain. And in the middle of these alarms and great disturbances, the business of the mission to which he was attached took him in the wake of the Court through several of the French provinces, — from Paris to Blois, from Blois to Tours, from Tours to Poitiers, where in the autumn of 1577 he resided for three months. So that he had excellent opportunities of studying foreign policy. Of the manner in which he spent his time, however, we have no information, except what we may gather from a few casual allusions dropped by himself in his later life, which only show that his observation was active and his memory retentive ; and something, perhaps, from the inscription on a miniature painted by Hilliard, in 1578, which indicates the impression made by his conversation upon those who heard it. There may be seen his face as it was in his eighteenth year, and round it may be read the significant words — the natural ejaculation, we may presume, of the

artist's own emotion — *Si tabula daretur digna, animum mallem* : if one could but paint his mind !

He was still at Paris, and was already wishing to be at home again, when about the 17th February, 1578-9, from one of those vague presentiments of evil which make no impression upon the waking judgment but so often govern the dream, he dreamed that his father's house in the country was plastered all over with black mortar. And certain it was that about that time his father, having accidentally fallen asleep at an open window during the great thaw which followed a great snow, was seized with a sudden and fatal illness of which he died in a few days. It was a critical conjuncture for Francis. The question whether he was to be an independent or a dependent man, — a man who might "live to study," or a man who must "study to live," — was then trembling in the balance; and this accident turned the scale against him. Sir Nicholas, having provided for the rest of his sons, had at that time (so Dr. Rawley was informed) laid by a considerable sum of money, which he meant to employ in purchasing an estate for Francis. His sudden death prevented the purchase, and left Francis with only a fifth part of the fortune intended for him. An accident of great moment; which perplexed the problem of his life by a new and most inconvenient condition. Like a general who after laying out the design of his campaign, suddenly finds his commissariat fail, he must now readjust his plans, combining with them some kind of employment which will pay. There was no help for it, however, and the less time lost the better. The law was his most obvious and on many accounts his most promising resource; and being already an ancient of Gray's Inn, he sat down at once to make himself a working lawyer. If the accidents should prove favorable, he might even find an advantage in it; if not, he would at least find a subsistence. He left Paris for England on

the 20th of March, 1578-9, bearing a dispatch from Sir Amias Paulet to the Queen, in which he was mentioned as "of great hope, endued with many good and singular parts," and one who, "if God gave him life, would prove a very able and sufficient subject to do her Highness good and acceptable service." Soon after (probably in Trinity Term, but I cannot be sure) he commenced his regular career as a student at law; and for the next year, during which we have no further news of him, we may suppose him to be sufficiently occupied with his new studies; as wishing to push himself on with all speed, that he may be the sooner ripe for any worthier or more congenial employment that may offer.

His intention was to study the common law as his profession; but at the same time it was his wish and hope to obtain some employment in it which should make him independent of ordinary practice at the Bar. What the particular employment was for which he hoped I cannot say; something probably connected with the service of the Crown, to which the memory of his father, an old and valued servant prematurely lost, his near relationship to the Lord Treasurer, and the personal notice which he had himself received from the Queen, would naturally lead him to look. From allusions in letters dated 16th September and 18th October, 1580, I gather that he made some overture to Burghley with this view; that Burghley recommended it to the Queen; that the Queen, who, though slow to bestow favors, was careful always to encourage hopes, entertained the motion graciously, and returned a favorable answer; and that it was for some employment requiring a knowledge of the common law. After this, we hear no more of it till the 15th of April, 1582. But as we find that he was then residing as before, in Gray's Inn, where he was admitted Utter Barrister on the 27th of June following, we may suppose that he had been going on quietly with his legal studies.

While his interest in foreign affairs would naturally be kept up by what he heard from his brother, who was travelling and gathering political intelligence on the Continent; and from one of whose English correspondents (Nicholas Faunt, a secretary of Walsingham's and a good Puritan) we derive what little information we have with regard to Francis's proceedings from this time to the autumn of 1584. From his letters we learn little more than that he remained studying at Gray's Inn, occasionally visiting his mother at Gorhambury, or going with her to hear Travers lecture at the Temple, and occasionally appearing at the Court. What particular studies engaged him we are not told: but when we hear (August 6th, 1583) that he used then to be "seen in his outward barrister's habit abroad in the city, and therefore must needs do well;" and when we remember that (if his own report forty years after may be depended on) his first essay on the *Instauration of Philosophy*, which he called "*Temporis Partus Maximus*," was composed about this time, we need not doubt that between Law and Philosophy he found enough to do; nor need we seek so far as Mr. Faunt does for his motive in secluding himself on the following occasion:—

"I was yesterday" (says he, writing on the last of May, 1583) "at Gray's Inn upon occasion, when I would not fail (as heretofore I have not when I passed that way) to call in, and know whether your brother will write unto you by my means of conveyance, or whether he hear more lately than myself of your being, as one that is desirous to procure you the most contentment I may from your best friends here, as I should be glad to have the like courtesy used in my behalf when I am, as you are now, absent and far distant from them. But I was answered, by his servant, that he was not at leisure to speak with me, and therefore you must excuse me if I cannot tell you how your mother and other friends do at this present; only I perceive by your brother's boy that he was but newly come from St. Alban's, where I take it my Lady now is, and well. I was asked where



you were and what I heard lately from you, but I could say little that he knew not, neither was I so simple to say all to a boy at the door, his master being within. This strangeness which hath at other times been used towards me by your brother, hath made me sometimes to doubt that he greatly mistaketh me, for I do these offices both towards you and him upon no base respect or for insinuation, but only of good affection to either for the best considerations, and yet, in truth, the rather unto him by reason of the good acceptance it hath pleased you to yield of the poor acquaintance and mutual amity that is between us, and I hope shall not be lessened hereafter: whereof thus much to yourself alone, which I trust you shall only take knowledge of, and in your discretion use it accordingly."

Francis seems to have been as anxious as any one for his brother's return at the end of his three years.

"Yet by the way, in a word or two, he hath showed his earnest desire to have you return at your time limited by your licence, wishing me to be a persuader thereof, and saying that he marvelled how those that keep abroad more than that time could live to their contentment, seeing that himself was more than weary of his being forth, and that the home life is to be thought upon as of the end in due season." — (May 24th, 1582.)

And again (May 6th, 1583) —

"Whenever we talk but three words together, two and a half of them contain a most hearty wish for your speedy return."



## CHAPTER II.

A. D. 1584-1586. ÆTAT. 24-26.

THE occasion upon which Bacon commenced what may be called his public life deserves particular notice, as well fitted to feed and stimulate that interest in questions of Church and State which I suppose to have been excited in him by the accidents of his boyhood and encouraged by his residence in France.

In November, 1584, a new Parliament was called, under circumstances of a highly agitating character. The Bull of Excommunication which had been issued against Elizabeth in 1569 having failed to frighten England out of its Protestantism, and the experience of the next twelve years having shown that, so long as she lived, there was little chance of overthrowing the reformed religion by open methods, the hopes of the Catholic world turned thenceforward towards her death; in the event of which (no provision having been made for the succession) Mary of Scotland would have claimed the crown; her claim would have been supported by the Pope, by Spain, by a considerable party in Scotland, and (what was perhaps of still more importance) by the natural right of inheritance; and thereupon would probably have ensued either the reestablishment of the Catholic religion in England, or a civil war, or both. Such an apprehension was sufficient of itself to unite all Protestants in emulous devotion to Elizabeth; and this devotion was warmed into enthusiasm by the detection of several secret conspiracies against her life, together with her own magnan-

ymous contempt for personal danger. Upon this point, therefore, all varieties of Protestant opinion met. Whoever regarded the Reformed Church as God's cause; whoever believed the anointed head to be under God's especial protection; whoever abhorred murder and treachery; whoever feared civil war; whoever valued national independence; whoever felt his blood run warmer at the sight of a woman who in the face of perils so secret and imminent could exhibit all majesty and no fear, — all fell in alike with the popular sentiment of the time, and swelled the flood of loyalty.<sup>1</sup> During the twelve months immediately preceding, three several plots for the assassination of Elizabeth had been detected; plots undertaken indeed by individuals, but all certainly Popish, and all supposed to be countenanced by the Popish powers, and to have in view the placing of a Popish queen on the throne. Hereupon a voluntary association had been entered into by subjects of all degrees,<sup>2</sup> the members of which bound themselves to defend the Queen against all her enemies, foreign or domestic; to prosecute to the death any person by whom or *for* whom violence should be offered to her life, and to hold such person forever incapable of the crown. This was in October, 1584. On the 23d of November, in the midst of the general fervor and alarm, the Houses met; and Francis Bacon, now in his twenty-fifth year, took his seat for Melcombe, in Dorsetshire.<sup>3</sup> The causes of their meeting were explained by Sir Christopher Hatton, then Vice-Chamberlain, with unprecedented frankness. "His speech," says Fleetwood, Recorder of London, writing to Burghley, "tended to particularities and special actions, and con-

<sup>1</sup> The assassination of the Prince of Orange, July 9, 1584, doubtless had a special effect upon the popular mind.

<sup>2</sup> Burghley to Lord Cobham, October 27, 1584. Lodge, vol. ii., p. 250.

<sup>3</sup> He had been also returned for taxation, by the interest of Burghley, to whom, as Master of the Works, the nomination, being the minority of the new constituent, at that time belonged. *Almeida's Letters*, 34 series, vol. iv., p. 62.

cluded upon the Queen's Highness's safety. *Before this time I never heard in Parliament the like things uttered*; and especially the things contained in the latter speech. They were *magnalia regni*." Of the debates which followed we have no record; but they ended in the sanction of the "association" by Parliament, in the creation of a new tribunal for the trial of conspirators against the Queen's life, and the enactment of new laws, more severe than ever, against priests and Jesuits. With such antecedents therefore, such an entrance, and such a conclusion, we may presume that they were warm, and that the first breath of Bacon's public life was drawn in a very contagious atmosphere of loyalty and anti-popery.

But if the debates on this question were impressive and exciting from the ardor and unanimity of concurrence, — a unanimity which was proved and strengthened rather than disturbed by the single opposition of Dr. Parry, whose vehement protest against the Jesuit Bill was treated as a contempt of the House, and who was himself apprehended and executed not long after for a design to assassinate the Queen, — there were others which must have been not less so from the very opposite cause. Upon a question no less vital than the government of the Church and the proceedings of the bishops, a majority, and apparently a very considerable majority, of the Lower House was in direct opposition to the Queen. And this difference was the more formidable, because it arose out of no accidental or transitory occasion, but had its root in the very nature of Protestantism, and went to the heart and conscience of the nation. If the will of God was not confided exclusively to Pope or priest, but revealed in the Scriptures to all men, it was the duty of all men to seek it there. Those who for that purpose searched and studied the Scriptures must come to their own conclusions. Those conclusions must be binding upon their consciences, not only to hold

but to preach. It was God's cause and work. To tell men to seek, and yet to prescribe limits to what they should find, was to set human authority above the Word, — the very thing against which Protestantism protested. Now the first Reformers, being themselves Protestants in the true sense of the word, — that is to say, dissenters on grounds of conscience from a creed enjoined by authority, — understood this part of the fact, and left room enough within the pale of the establishment for all the varieties of opinion which their own time was likely to breed. Their successors inherited their work, but not their policy. They accepted the creed of the first Protestants, but would have no more protesting. Standing in place of authority, they were for using their power to stop the progress of what they considered to be error, and enforce an outward uniformity of doctrine and discipline. Thus upon the pedestal from which the idol of the Papacy had been cast down the idol of Orthodoxy was set up; and the power of the keys, which had been taken from the Pope as a power not entrusted to human hands, was transferred to a set of commissioners appointed by the Crown, who took upon themselves to suspend or silence or remove from office all ministers who preached what they did not approve. And they made the fatal mistake of exercising this power not merely against incompetent and turbulent fanatics, over whom with opinion on their side they might have prevailed, but against men as learned, as moderate, as earnest, and quite as well qualified to interpret the Scriptures as any of themselves, and who had popular opinion moreover running strongly in their favor. For at this time the proceedings of the Catholics, threatening as they did the overthrow of Church and State both, had naturally made the people more Protestant than ever, and engaged their hearty sympathies in favor of the new reformers, who, with Cartwright and Travers at their head, had come to

be known as the Nonconformist party. This party, far from being necessarily in opposition to the Government, were for the present in the same boat, and well disposed, had reasonable liberty of action been allowed them, to be among its most zealous and effectual supporters. Their importance as a party may be understood from the fact that Leicester, the favorite, was content to put himself at their head; that Walsingham, Secretary of State, was known to sympathize with them; that Burghley, Lord Treasurer, though restrained by official caution and reserve, was believed to wish them well; that Grindal, the late Primate, had been for some time out of favor with the Queen for giving too much countenance to some of their opinions; and that they had a large majority in the present House of Commons. Whether this party was to be in alliance with the State or in opposition, was the question now at issue; and to this particular Parliament, more distinctly perhaps than to any other period, must be assigned the determination of it.

I doubt whether there has been a more important crisis in English history, or whether the Queen ever made a greater mistake than in choosing this moment to stop the tide and put herself in direct opposition to this party. She succeeded indeed: she carried her point and stood her ground during her own life; but it was at the expense of creating a division among the Protestant party, which ended in the overthrow of the monarchy itself for a time, and in making the existence of a national English Church, in any true sense of the word national, an impossibility to this day. The Church of England emerged from the storm with the name and legal rights and temporal attractions, but without the moral and spiritual authority, of a national church, to be thenceforward only one of many Protestant sects<sup>1</sup> into which the English

<sup>1</sup> To prevent misconceptions I may mention that I use the word "sect" in exactly the same sense to which Paley uses it in the following passage. "It is

people are divided. But so it was to be. Grindal was dead; and Whitgift, known as the uncompromising foe of the Nonconformists, had been advanced to the Primacy, with the avowed purpose of enforcing uniformity by silencing and punishing dissentients. The severity of his proceedings was now taken up by the Commons as a national grievance, and the complaints of the people were embodied in a petition to the Queen, the substance of which may be seen in Fuller's "Church History" <sup>1</sup> (ix. 16. 7), and the entire document, together with the answers, in D'Ewes's "Journals," pp. 357-361.

The particulars and progress of the quarrel will be noticed more conveniently a little further on, in connection with Bacon's tract on Church Controversies. But I thought it better to introduce the subject in this place, because of the great impression which it must have made upon his mind, and some influence which it probably had upon his career. What his judgment was upon the matters in controversy we shall see hereafter. What his prejudices and predispositions were likely to be may be partly inferred from a letter addressed at the time by his mother to Burghley.

In deference then to these reasons it be admitted that a legal provision for the clergy, compulsory upon those who contribute to it, is expedient, the real question will be whether this provision should be confined to one sect of Christianity, or extended indifferently to all. Now it should be observed that this question never can offer itself where the people are agreed in their religious opinions, and that it never ought to arise where a system may be framed of doctrines and worship wide enough to comprehend their disagreement, and which might satisfy all by uniting all in the articles of their common faith and in a mode of Divine worship that contains every subject of controversy or offense. Where such a comprehension is practicable, the comprehending religion ought to become the religion of the State. This is exactly what I mean by "a national church in the true sense of the word national." The rest of Hooker's argument proceeds upon the supposition that such a church is to be prepared, and that "separate congregations and different sects must unavoidably continue in the country," and that the only practicable form of national religion is the establishment by law "of one sect in preference to the rest." — *Moral and Pol. Philos.* ch. x.

<sup>1</sup> Misplaced under the year 1587.



During the Christmas recess a conference had taken place at Lambeth between the Bishops and the Nonconformists — or Preachers, as they were called — upon the questions raised in the petition: and it seems that the Bishops were thought to have had much the best of the argument. Lady Bacon, believing that the Preachers had not had fair play, in the abundance of her zeal sought an interview with Burghley to urge their cause, and the next day reinforced her arguments by a letter, in which, after pleading earnestly on behalf of the Preachers for leave first to assemble and consult together, and then to prove the justice of their cause before the Queen or her Council, and not before the Bishops, — being “parties partial in their own defense” — “for mine own part,” she proceeds: —

“I will not deny, but as I may hear them in their public exercises as a chief duty commanded by God to widows, and also I confess as one that hath found mercy, that I have profited more in the inward feeling knowledge of God his holy will, though but in a small measure by such sincere and sound opening of the Scriptures by an ordinary preaching within these seven or eight years, than I did by hearing odd sermons at Paul’s wellnigh twenty years together. I mention this unfeignedly the rather to excuse this my boldness towards your Lordship, humbly beseeching your Lordship to think upon their suit, and as God shall move your understanding heart to further it.”

The day before this letter was written, the House of Commons had received the answer of the Bishops to their petition, and the Nonconformists had learned that they must either abandon their cause, or work it against the Government by the help of popular sympathy and alliance.

All this time, it seems, the suit (whatever it was) which Bacon had made to the Queen, through Burghley in 1580, remained in suspense, neither granted nor de-

nied; and the uncertainty prevented him from settling his course of life. From the following letter to Walsingham we may gather two things more concerning it: it was something which had been objected to as unfit for so young a man; and which would in some way have made it unnecessary for him to follow "a course of practice," — meaning, I presume, ordinary practice at the Bar.

TO THE RIGHT HONORABLE SIR FRANCIS WALSHINGHAM, PRINCIPAL SECRETARY TO HER MAJESTY.

It may please your Honor to give me leave amidst your great and diverse business to put you in remembrance of my poor suit, leaving the time unto your Honor's best opportunity and commodity. I think the objection of my years will wear away with the length of my suit. The very stay doth in this respect concern me, because I am thereby hindered to take a course of practice, which by the leave of God, if her Majesty like not of my suit, I must and will follow: not for any necessity of estate, but for my credit sake, which I know by living out of action will wear. I spake when the Court was at Theball's to Mr. Vice-Chamberlain,<sup>1</sup> who promised me his furdurance; which I did lest he mought be made for some other. If it may please your Honor, who as I hear hath great interest in him, to speak with him in it, I think he will be fast mine. Thus desiring continuance of your Honor's favor, I wish you all good, and myself occasion to do you service. Gray's Inn, this 25th of August, 85.

Your Honor's in all duty,

FR. BACON.

This is the last we hear of this suit, the nature and fate of which must both be left to conjecture. With regard to its fate, my own conjecture is that he presently gave up all hope of success in it, and tried instead to ob-

<sup>1</sup> Thus was Sir Christopher Hatton.

tain through his interest at Court some furtherance in the direct line of his profession. It is certain that about this time or soon after he made another application to Burghley, the precise nature of which we are again left to guess, but which was to facilitate his "coming within bars;" that is, as I suppose (for the meaning of the phrase is doubtful), his admission to practice in the Courts. By the regulations then in force an *utter barrister* had to continue in "exercise of learning" for five years, before he was permitted to plead at any of the Courts at Westminster, or to subscribe any plea. Bacon, having been admitted to the *Utter Bar* on the 27th of June, 1582, had still more than two years to wait; and if, according to the intention intimated in the last letter, he was now ready and resolved "to take a course of practice," he would naturally wish to have his term of probation shortened. In what precise way this was to be done I do not know, but I presume that between Burghley and the Queen means might have been found, and that he now submitted to Burghley some proposition with that view.

We need not assume that his pretensions were really unreasonable or his manners justly offensive, to account for the fact which appears from the next letter, that they had by this time exposed him to some unfriendly criticism, that complaints reached Burghley of his nephew's arrogance, and that Burghley thought it expedient to give him some good advice on the subject. The solid grounds on which Bacon's pretensions rested had not yet been made manifest to the apprehension of Bench and Bar; his mind was full of matters with which they could have no sympathy, and the shy and studious habits which we have seen so offend Mr. Faunt, would naturally be misconstrued in the same way by many others. The incredulous disdain with which the English public greets every young aspirant who proclaims himself or is pro-

claimed by his friends as anything out of the common way speedily disappears if the pretensions be made good ; as we shall see that in Bacon's case it very soon did. To any one who would understand his position and follow his career in the world, the little glimpse revealed by the next letter of the feelings with which some of his contemporaries regarded him, now in his twenty-sixth year, will prove very instructive.

TO LORD BURGHLEY.

MY VERY GOOD LORD, — I take it as an undoubted sign of your Lordship's favor unto me that being hardly informed of me you took occasion rather of good advice than of evil opinion thereby. And if your Lordship had grounded only upon the said information of theirs, I mought and would truly have upholden that few of the matters were justly objected ; as the very circumstances do induce in that they were delivered by men that did misaffect me and besides were to give color to their own doings. But because your Lordship did mingle therewith both a late motion of mine own and somewhat which you had otherwise heard, I know it to be my duty (and so do I stand affected) rather to prove your Lordship's admonition effectual in my doings hereafter, than causeless by excusing what is past. And yet (with your Lordship's pardon humbly asked) it may please you to remember that I did endeavor to set forth that said motion in such sort as it mought breed no harder effect than a denial. And I protest simply before God that I sought therein an ease in coming within Bars, and not any extraordinary and singular note of favor. And for that your Lordship may otherwise have heard of me, it shall make me more wary and circumspect in carriage of myself. Indeed I find in my simple observation that they which live as it were in *umbrâ* and not in public or frequent action, how moderately and modestly soever

they behave themselves, yet *laborant invidia*. I find also that such persons as are of nature bashful (as myself is), whereby they want that plausible familiarity which others have, are often mistaken for proud. But once I know well and I most humbly beseech your Lordship to believe, that arrogance and overweening is so far from my nature, as if I think well of myself in anything it is in this that I am free from that vice. And I hope upon this your Lordship's speech I have entered into those considerations as my behavior shall no more deliver me for other than I am. And so wishing unto your Lordship all honor and to myself continuance of your good opinion with mind and means to deserve it, I humbly take my leave. Gray's Inn, this 6th day of May, 1586.

Your Lordship's most bounden Nephew,

FR. BACON.

If a speedier progress through Gray's Inn was what this "late motion" aimed at, it seems to have had some success. On the 10th of February, 1585-6, a pension was held, at which (whether upon the mere motion of the Benchers or by the help of interest at Court I do not know) he was admitted "to have place with the Readers at the Readers' table; but not to have any voice in pension, nor to win ancienty of any that was his ancient, or should read before him." And this must have been speedily followed by full admission to the Bench. For in a list of his honors, as given in a book which seems to have been transferred by some accident from Gray's Inn to the British Museum (Harl. MSS. 1912), he is stated to have become a Benchers in 1586. And this I presume gave him that entrance "within bars," with liberty to plead in the Courts of Westminster, for which he had been seeking. But before that time he had to witness another immense national excitement, and to be a spectator, though happily not an actor, in one of the great tragedies of the world.

### CHAPTER III.

A. D. 1586-1589. ÆTAT. 26-29.

I HAVE spoken of the agitations into which all England was thrown by the conspiracies of 1583 and 1584, and of the expression which it found in Parliament. The violence of the popular storm may be judged of by the tenor of the Act which was then passed, and passed unanimously by both Houses—the Lower House being at that time not at all remarkable for subserviency, but quite prepared in a popular cause to take courses most distasteful to the Crown—for the purpose of giving a legal sanction to the voluntary association for the defense of the Queen's life. This Act not only authorized the trial by a new tribunal—a body of not less than twenty-four Lords and Privy Councillors appointed for the purpose by the Queen, with judges to assist—of any pretender to the Crown by whom or *for* whom any attempt should be made against her life; not only empowered a majority of these commissioners, upon proof that such attempt had been made with the privity of the persons accused, to pass sentence of death upon them: but actually made it lawful, as soon as such sentence had been passed and duly proclaimed, for any of the Queen's subjects "by virtue of this Act and her Majesty's direction in that behalf" to "pursue them to death." So much at least, the words of the Act strictly construed seem to imply;<sup>1</sup> and I see no reason to doubt

<sup>1</sup> 37 Ed. c. 1. "And that thereupon all her Highness' subjects shall and may lawfully, by virtue of this Act and her Majesty's direction in that behalf,



that they truly expressed the deliberate wish and intention of the alarmed and irritated Protestantism of England.

Whatever may be thought of its equity in other respects, the Act had one merit. It was at least a fair warning to all men, with due notice of the consequences, not to engage in any such attempt upon their peril. It had not been in force, however, for much more than a twelvemonth, when the nation was again alarmed by news of a fresh conspiracy, more desperate than any of the former, with the threefold object of assassinating Elizabeth, raising an insurrection in England, and inducing an invasion from abroad. That such a conspiracy was actually on foot, and that to liberate Mary of Scotland and place her on the throne was the main and express end of it, — therefore, that it was in that sense an attempt on Elizabeth's life made *for her*, — did not admit of a doubt. Whether she knew of it, or was otherwise accessory, is a question upon which modern historians, knowing some things which nobody knew then, and ignorant, probably, of many things which everybody knew then, may reasonably differ. But the unanimous verdict of forty noblemen and privy councillors, duly appointed under the late Act to try the case, would no doubt be accepted by that generation as decisive. Before this verdict had been pronounced, and while the history of the whole plot, fully confirmed by the confession of the parties, was yet fresh news in the land, a new Parliament had been summoned. The general election and the trial of Mary before the commissioners must have been going on at the same time: and on the 29th of October, 1586, only four days after their sen-

by all forcible and possible means, pursue to death every of such wicked persons by whom such wickedness, against our persons, any such invasion, rebellion, shall be or hath attempted to have been made, or such wicked act attempted. &c. The judges may perhaps have been inclined to provide also for the case of rescue or escape.

tence had been declared, the houses met. The case was at once laid before them, was eagerly taken up, vehemently debated (though the speakers seem to have been all on one side), and concluded by a unanimous confirmation of the sentence, accompanied by addresses to the Queen from both houses, earnestly praying for the publication and speedy execution of it. And though it must be owned that their language and arguments, when looked back upon out of the security of settled times, seem to savor more of fear and fury than of judgment and deliberation, yet, perhaps, if a man could really understand the case, — if he could carry his imagination back into the time, so as truly to conceive the beliefs, the hopes, the fears, which then ruled in men's minds, — the vast interests at stake, the solid grounds of alarm, the universal conviction of Mary's acquiescence in the whole plot, — he would think that this Parliament was not more extravagant in its humor than parliaments are apt to be in seasons of popular excitement even now, and that the practical conclusion to which it came admits of a fair defense. Certainly, if we might but assume that the trial before the Commissioners was fairly conducted and the verdict just (which I have no doubt everybody believed then), the vote might be justified. The outrageous clauses of the statute under which Mary was tried, were not in question; she had been found guilty of being an accessory to the projected assassination; and whatever had seemed to justify her detention in captivity, must have seemed much more to justify her trial and execution for such an act, especially after such a warning.

In this Parliament, Bacon sat for Taunton in Somersetshire. His name is mentioned by D' Ewes (4th November) as one of the speakers on "the Great Cause;" also as one of the committees to whom it was referred, and who were continually occupied with it until the 2d of

December; on which day the House was adjourned. But of what he said, or the part he took (more than that he spoke on the popular side), no record remains; nor is there any allusion in any of his writings, that I know of, from which his opinion upon this case can be inferred. Upon a case so rare, and so full of matter to strike the imagination, to touch the feelings, and to exercise the judgment, he must doubtless have had many thoughts; but whatever the conclusion, they can hardly have been other than painful; painful for the conflict of feelings involved in the case itself, more painful for the reflection it cast upon the character of Elizabeth; whose conduct after the passing and confirmation of the sentence — showing as it did a disposition not only to evade herself, but to shift upon others, the responsibility of that which was to be done — could not even to the most favorable interpreter but seem unworthy of her. I say a *disposition*, not a *determination*: because those inconsistencies in her conduct at this juncture which are commonly imputed to cold-blooded hypocrisy and deliberate double-dealing, may in my opinion be more probably explained as the result of a real struggle between strength of will and irresolution of judgment. I believe that she was really perplexed in her mind, and did not know what to do; and as she never troubled herself to conceal from her *councillors* those hesitations and variations of purpose which almost always preceded her final determinations, I conceive that many of the speeches upon which the charge of hypocrisy most rests, were in fact the expression of thoughts half made up, — conclusions which were still in the balance, which she had not decided to act upon, and did not intend her councillors to adopt as directions. They on their part had a difficult task to perform. Not liking to ask for more distinct resolutions on a subject on which the very difficulty of resolving made her irritable, they had to *guess* what hints they were meant to act

upon without further orders, and what not; in which it was easy for them to make mistakes, especially having a strong bias of their own in favor of the shortest way. Some such misunderstanding might account for that doubtful message on the strength of which the warrant against Mary was at last executed; which Elizabeth disavowed; and for delivering which Davison was prosecuted in the Star Chamber and ruined. Such may also be the true explanation of a blacker transaction: I mean the joint letter addressed to Sir Amias Paulet by Walsingham and Davison<sup>1</sup> signifying the Queen's surprise, apparent by "speech lately uttered," that none of her loyal subjects should have found a way to relieve her from her embarrassment, namely by pursuing Mary to death (for the words can bear no other meaning), as their oaths bound and the statute warranted them to do. That such a solution of the question would have been *convenient* to Elizabeth, was true; that in the agitations of irresolution such a thought should present itself to her mind, was natural; that in talking with her confidential councillors it found its way to her tongue, is not improbable; that her councillors, not daring on so delicate and dangerous a subject to ask more directly what she meant, should seek to shift the difficulty from themselves by passing the hint on to those who were about Mary's person, may be easily supposed. But that she really intended them to do so, is to me, considering her character and ways, less easy to believe, than that *they thought* she did and were mistaken. When all is said, however, her behavior throughout the business, read it as favorably as we may, was not such as any loyal subject could have thought upon without regret. It showed the worse, too, by contrast with that of her victim. Mary, whatever else was in her, possessed in full measure all those qualities which have so often turned the scaffold into a scene of public triumph, in

<sup>1</sup> See Hearne, *Ed. of Glouc.*, p. 673.

which the memory of the sufferer is cleared from all its stains, and every harsher thought is lost for ever in reverence and pity. It was on the 7th of February, 1586-7, that she received notice to prepare to die the next morning. It seems she did not need even that short notice. She was ready on the instant to meet death with a composure and a dignity such as neither martyr nor philosopher ever surpassed. Even the dry official report of the day's proceedings, made by the Commissioners to the Council, reads, in spite of its formal phraseology and impassive tone, like a leaf out of the closing scene of some majestic tragedy —

High actions and high passions best describing :

whereas Elizabeth — who, if she had proceeded to the execution with the same openness, directness, and solemnity with which she had conducted the trial, would have seemed, in the eyes of her own people at least, like the minister of God's justice, — contrived by her delays, uncertainties, and ambiguous directions, to seem like one sacrificing justice to state policy, and doing what she was ashamed of.

The Parliament did not meet again for work till the 22d of February; on which day the perilous condition of the Protestant cause in Europe was set forth at large to the House by Sir Christopher Hatton, and urged as a motive for granting a subsidy, — to be employed mainly in supporting the Netherlands against Spain. A committee, including the first knight of every shire as well as all the privy councillors that were of the House, was immediately appointed in the usual form, "to set down articles for the subsidy." And they appear to have entered on the business with more than usual alacrity. If the Journals are not too imperfect to ground a conjecture upon, they agreed at once to offer more than was asked. But a difficulty arose. On the one hand, a single

subsidy was thought insufficient for the exigency ; on the other hand, to grant a double subsidy (which had never been done yet) would create a precedent which might be abused. In order to avoid the precedent, and yet not to withhold the necessary supply, it was proposed to increase the grant by "a loan or voluntary contribution," to be offered to the Queen by both Houses. Such at least seems to be the most probable explanation of an entry in the Journals of the 23d of February (the day after the appointment of the Subsidy Committee), which deserves to be quoted both for the proposal itself — a novel one as originating in such a quarter — and for the prominent position in which it exhibits Bacon's name. It runs thus : "The Committees appointed for conference touching a loan or benevolence to be offered to her Majesty are, Mr. Francis Bacon, Mr. Edward Lewkenor, and others." And I quote it the rather because in the two next Parliaments we shall find Bacon's name equally prominent in connection with motions which, though not the same, were for the same object. The result in this case is not distinctly stated. It may be inferred however from the silence of the Journals, that it was judged best not to proceed further in the matter till the Subsidy Bill had been framed and passed in the ordinary way. But as soon as this was done, — as soon as a bill for one subsidy and two fifteenths and tenths had passed through its three readings and gone to the upper House (which was on the 7th of March), — the subject was taken up again ; and on the 11th a Committee was appointed to confer with the Lords, and invite them to join "in a *Contribution or Benevolence* for the charges of the Low Countries' wars, which they of the House of Commons meant to offer unto her Majesty." The Lords declined the proposal, and it was resolved that each House should proceed by itself. What the Lords did further or whether they did anything, is not stated ; but the Commons, be-



ing informed on the 18th that the Queen, "understanding of their great love unto her in regard of the charges sustained in the Low Countries," would give audience that afternoon to some convenient number of them, appointed a Committee to wait on her; and as we hear no more of the matter, I conclude that at this audience the offer was made and declined: a circumstance to which Bacon probably alludes in his "Discourse in praise of his Sovereign" (written about the year 1592), where he says, — "there shall you find no new taxes, impositions, nor devices; but the benevolence of the subject freely offered by assent of Parliament, according to the ancient rates, and with great moderation in assessment; and not so only, but *some new forms of contribution offered likewise by the subject in Parliament, and the demonstration of their devotion only accepted, but the thing never put in ure:*" a passage of which the substance is repeated in his "Observations on a Libel."

For the rest, this session was chiefly remarkable for an ineffectual attempt to revive the question concerning ecclesiastical government so much discussed in the last Parliament, and to raise a question concerning the right of free speech in that House; both which motions were summarily answered by the removal to the Tower of the members who stirred them; — also for the quiet way in which the House took the matter; the majority being content, it seems, when it was proposed to petition for the restitution of their missing members, to suppose that "they might *perhaps* be committed for somewhat that concerned not the business or privileges of the House." But the times were too full of danger to allow of a quarrel between the Queen and the Commons just then.

Parliament was dissolved on the 23d of March, 1586-7; and from this time we have no more news of Bacon (unless it be worth while to mention that he assisted in getting up the masque which was presented to the Queen

by the gentlemen of Gray's Inn on the 28th of February following) till after the defeat of the Spanish Armada; an event which I need only name, that its significance in relation to all the political questions of the time may be sufficiently appreciated. On the 20th of July, 1588, the Spanish Armada appeared in the British Channel, while the Prince of Parma waited with a large army in the Low Countries ready to form a junction at Calais. By the middle of August the wreck of the Armada was making its way home round the shores of Scotland and Ireland, and the Prince of Parma was drawing his forces away from the coast. But though baffled for the season, Spain was neither disabled by this disaster, nor perhaps (considering in how great part it was owing to accidents of weather) very much discouraged; and next spring was looked forward to with great and just apprehension. By way of preparation, Elizabeth summoned a new Parliament for November, 1588; which did not however meet for business till the 4th of February following. The cause for which they were called was explained by Sir Christopher Hatton, now Lord Chancellor, — namely, to take measures for provision of arms, soldiers, and money, against the future attempts of the King of Spain. The Commons were as prompt as before to meet the extraordinary occasion by an extraordinary supply; but not less jealous than before of setting an example which other Parliaments might be expected to follow on occasions less urgent, or by sovereigns less frugal, less disinterested, and less in sympathy with the people. How they attempted to escape this dilemma in the last Parliament, I have already explained. They then voted a single subsidy to be levied in the usual way, but offered at the same time to sanction the collection of a benevolence or voluntary contribution. To this however the Queen herself objected (graciously, I suppose, yet so as to forbid the renewal of a similar offer), and contented

herself for that time with the simple subsidy. There was now nothing left for them (having a due regard to the exigencies of the State) but to grant a double subsidy, leviable according to the ancient usage; and to provide as far as might be against its passing into a precedent for the future, by introducing a clause for that express purpose into the preamble of the bill. Whether the precaution originated with Bacon in either case, I cannot say; but here again his name stands foremost in connection with it. The suggestion had been made and approved in the Committee, and "one of the Committees, to-wit, Mr. Francis Bacon, had for that purpose set down a note in writing;" which having been read and approved by the House, it was agreed that the Speaker should deliver it to her Majesty's learned counsel, who were charged with the preparation of the Bill; and that "the said Mr. Bacon should also repair unto them for the further proceeding therein with them."

No objection seems to have been made; for the preamble of the Act, after reciting in the customary manner the occasion of the present grant, adds, — and for that we do perceive that the granting only of *such an ordinary subsidy to be levied as hath been commonly used in former times of smaller dangers, is in no wise sufficient and answerable to the unusual and great charges sustained and to be sustained by your Majesty for these so great actions,*" etc., and so proceeds to grant two entire subsidies and four fifteenths and tenths.<sup>1</sup> The bill, after some slight opposition (in which it is worth observing that the tendency of so large a grant to interfere with a *Benevolence*, should such a measure be required, was urged as an objection on the popular side<sup>2</sup>) was passed by the Commons on the 8th of March, by the Lords on the 17th, and was presented to the Queen by the Speaker on the 20th, together with a request from both Houses that she would

<sup>1</sup> See ~~at~~ end of this volume.

<sup>2</sup> See Strype, *Annals of the Reformation*, vol. i. (2) p. 563.

denounce open war against the King of Spain ; after which the Parliament was dissolved.

Bacon, who had just completed his twenty-eighth year, and was now a "Reader" in Gray's Inn, sat in this Parliament for Laverpool. The more frequent appearance of his name in the Journals, both as a member of Committees, and as reporter of their proceedings to the House, attests his rising importance. But the other proceedings of this session have little interest for us. A bill to reform certain abuses by *purveyors*, and another concerning *process and pleadings in the Court of Exchequer*, did indeed at one time threaten to bring Privilege into collision with Prerogative ; the discussion being interrupted by a message from the Queen ; but through a conciliatory demeanor on both sides, the occasion passed off quietly. For the rest, the House appears to have been chiefly occupied with questions of Privilege in which the Crown did not care to meddle ; questions concerning elections, attendance of members, the reporting of speeches out-of-doors, and the like ; important in the history of the House of Commons, but throwing no light upon the character or career of Bacon, whom we are now to follow into a new subject, the interest of which is unhappily not yet worn out.

The great question between the High Church and the Nonconformists (now beginning to be called Puritans) was no longer agitated in Parliament ; the quarrels between the two being suspended for the time by the common danger which threatened both. But it was further than ever from being settled. The suppressive and exclusive policy pursued by the authorities was already yielding its natural fruits. The leaders of the reform, being denied a hearing in the great council of the nation, had fallen back for support upon the ranks of their own party. The preachers, being forbidden to preach openly,

met in secret synods and conventicles. The licensed press being closed to their writings, a secret and movable printing apparatus, evading the vigilance of Government by shifting rapidly from place to place, scattered anonymous publications all over the land, — the more licentious because published in defiance of authority, and the more eagerly sought after because forbidden. Hence to moderate projects of reform, framed to avoid reasonable objections on the part of the Government, succeeded sweeping propositions framed to conciliate the sympathy and satisfy the desires of an extreme party; to grave discussion of principles, fairly urged and fairly answered, succeeded bitter and scurrilous personalities; to the fruits of gradual reform, the seeds of a violent revolution.

Of all this Bacon had been an attentive and anxious observer. He had heard at Cambridge the beginnings of the controversy between the High Churchmen and the most eminent of the Nonconformists. He had seen in France the desolating effects of religious dissension in its later stages. He had listened in the Parliament of 1584, to debates concerning the abuses of our own church-government; had heard the particulars of those abuses amply set forth and vehemently disputed; had heard of parishes served by ministers unlearned and incompetent, or not served at all; of men of the greatest learning and the purest lives suspended from their ministry for objecting to wear a surplice, or for refusing to subscribe articles newly devised, not imposed by the statutes of the realm, not touching any vital or essential points of doctrine; of the gravest functions of bishops delegated to officials and commissaries; of ministers compelled to answer on oath to any questions which the bishops might think fit to ask either out of their own vague suspicions or out of the suggestions of common rumor; of excommunication abused into an ordinary instrument for enforcing slight points of discipline or exacting fees; of the suppression by author-

ity of those conferences and exercises among the clergy which were best fitted to instruct and practice them in the duties of their calling : of non-residents and pluralists : and much else of the kind. He had heard measures for the redress of these abuses proposed and argued in no immoderate or unreasonable spirit : had seen the grounds upon which the authorities resisted them : had seen all free discussion of them peremptorily suppressed ; and had no doubt formed his own opinion upon the merits of the controversy and the issues to which it was inevitably leading. He had seen that, though the principal demands of the main body of reformers were as yet moderate and just and involved no violent alteration, the extremes were already beginning to assail the very constitution of the Church, and to erect within it a government by synods, — that is to say, a government essentially democratical *within* a government essentially monarchical (a proceeding full of peril, because, as the two could never have gone at the same pace, one must before long have overthrown the other) ; and it must have been clear enough to such a judgment as his, that unless the Church could distinguish and detach the moderate from the immoderate, they would be continually drawing closer together, and making a common cause of it.

The authorities of the Church, indeed, saw nothing of this. To them the Puritans were but a turbulent faction, which was to be suppressed in its beginnings, for concessions would but embolden them to make further demands. But Bacon knew better. He knew by the example of his own mother, who sympathized with the cause of the reformers from the bottom of her soul, with what depths of religious emotion it was allied, and that, however poor and narrow the creed, there burned at the centre of that cause a fire of authentic faith, which an attempt to suppress by denying it vent might raise into a conflagration, but could never put out. He saw (or if I may not assume



that he saw, he at least took the course which such foresight would have suggested) that the one chance for the Church was to understand this herself, and to understand it in time, and thereupon to seek, by casting out all that was evil in herself, to assimilate and draw into her system all that was good in them;—a course which, had it been commenced soon enough, and judiciously followed out, would probably have converted the stream which not many years after burst in upon her like a torrent and flooded all her chambers, into a source of continual supply, health, and refreshment; and he resolved to try whether a word spoken in season might not do something to guide her into this course.

The particular occasion which moved him to take a part in the dispute was the Marprelate controversy; that disgraceful pamphlet-war which raged so furiously in 1588 and 1589, between the revilers of the bishops on the one side, and the revilers of the Puritans on the other, and in which the appeal was made by both parties to the basest passions and prejudices of the vulgar. Though this was the natural result of an attempt to suppress all legitimate demonstration of opinion through Parliament, pulpit, or press, it was not the less to be deplored, as tending to inflame animosities, deepen prejudices, and bring both parties into contempt. The first attack, which came from some anonymous and probably self-elected champion of the Puritans, under the assumed name of Martin Marprelate,<sup>1</sup> had been gravely and temperately answered by Thomas Cooper, Bishop of Winchester, in a pamphlet entitled "An Admonition to the People of England;" but a cause must be very clear and unimpeachable which can maintain itself before a popular auditory against a nameless antagonist, who can use the full license of slander and foul language without any per-

<sup>1</sup> One Penry, a Welshman, was apprehended, tried as the author of the pamphlet, and executed in 1592.

sonal responsibility. The Admonition may have done something to correct the impressions of reasonable men, if any such there were, whose opinions had been influenced by Marprelate; but to the controversy it served only as fresh fuel, and was quickly replied upon by fresh volumes of scurrility and abuse; which again brought forth to the rescue of the bishops a new kind of allies, whose alliance would have disgraced the clearest cause, — men whose best weapon was the vilest slang and ribaldry of the stage.

This scandalous contest was at its height in the summer of 1589, and it seems to have been about that time that Bacon drew up (not for publication apparently, but for circulation in manuscript) that "Advertisement touching the Controversies of the Church of England," which was first printed as a separate pamphlet in 1640, when the Long Parliament was busy with these questions; afterwards by Dr. Rawley in "The Resuscitatio" (1657), and again as a separate pamphlet in 1663, when the question of toleration to Dissenters was raised under Charles II., a paper in which he comes forward in the character of a peace-maker, remonstrating against the conduct of both sides; and therefore "not likely to be grateful to either;" yet trusting that his views would "find a correspondency in their minds who were not embarked in partiality, and which loved the whole better than a part."

What use he made of this paper at the time, to whom he sent copies, or whether he put his name to it, I have not been able to discover; but I can hardly doubt that he showed it to Burghley and Walsingham, who would naturally concur in his views and wish to spread them. And I think it probable that this led to the employment of his pen in counteracting another evil consequence of these divisions; I mean the unfavorable interpretation which was likely to be put upon them abroad, especially

in France, with regard to the stability and constancy of the Government. The progress of the French confusions had in the spring of 1589 thrown the King into the arms of the Protestant party, and he was now at war with the League and with Spain. "The world is marvellously changed," writes Burghley on the 27th of May,<sup>1</sup> "when we true Englishmen have cause, for our own quietness, to wish good success to a French king and a king of Scots; and yet they both differ one from the other in profession of Religion; but seeing both are enemies to our enemies, we have cause to join with them in these actions against our enemies; and this is the work of God for our good, for which the Queen and us all are most deeply bound to acknowledge his miraculous goodness, for no wit of man could otherwise have wrought it. At this time the French King's party, by the true subjects of his crown, both Catholic and Protestant, doth prosper in every place." The sympathy thus created between England and France in the latter months of Henry III.'s reign, ripened into a strict and cordial alliance when Henry of Navarre, himself a Protestant, succeeded to the throne; which was in the beginning of August, 1589. In this new crisis it was a matter of great importance to the common cause, that no needless distrust or prejudice should be excited against Elizabeth in the minds either of the Protestant or of the more moderate Catholic party in France, by her dealings with the religious parties in England; and some communication having been made to Walsingham on the subject from a gentleman connected with the French Government, it was resolved to improve the occasion by writing him a letter in which the true course of her proceedings should be set forth and justified. Whether Bacon had anything to do with the suggestion of this measure, I cannot say; but that he was employed to make a draught of the proposed

<sup>1</sup> Letter to the Earl of Shrewsbury 1 Lodge, vol. d., p. 373.

letter may be inferred from the circumstances which I am now going to explain.

I find in the "*Resuscitatio*" the following letter from Bacon to Archbishop Whitgift: —

TO MY LORD OF CANTERBURY.

*It may please your Grace,* — I have considered the objections, perused the statutes, and framed the alterations, which I send; still keeping myself within the brevity of a letter and form of a narration; not entering into a form of argument or disputation: For in my poor conceit it is somewhat against the majesty of princes' actions to make too curious and striving apologies; but rather to set them forth plainly, and so as there may appear an harmony and constancy in them, so that one part upholdeth another. And so I wish your Grace all prosperity. From my poor lodging, this, etc.

Your Grace's most dutiful

Pupil and Servant.

This letter is without date; nor is there any note to explain the occasion on which it was written, or the nature of the inclosure which it seems to have conveyed. But upon a careful examination of the words it clearly appears, —

1st, that Bacon had previously submitted to Archbishop Whitgift, for consideration, the draft of some brief narrative in explanation of some of the Queen's actions.

2dly, that the object of it was to justify what she had done; but that the justification was *implied* in a plain statement of the facts, without the help of arguments or apologies.

3dly, that the justification rested upon the fact that her conduct had been consistent.

4thly, that the narrative included a reference to certain statutes.

5thly, that the paper had been sent back to him with some objections, and was now returned by him with alterations made by himself to meet them, but still in the same form.

If, therefore, a paper can be found answering this description in all points, and written when Whitgift was Archbishop of Canterbury and an active Privy Councillor, we may conclude (if not with absolute certainty, yet with a probability almost amounting to certainty), that it was the paper referred to in the foregoing letter; not perhaps in exactly the same shape (for other alterations may have been introduced afterwards), but the same substantially.

Now, precisely such a paper do I find in the "*Scrinia Sacra*;" that is to say, a letter addressed by Sir Francis Walsingham to an official person in France, containing an explanation in a narrative form of the Queen's proceedings towards the Catholics on the one hand and the Puritans on the other; framed expressly to show that her course had been consistent throughout; including a reference to two statutes; and written before the 6th of April, 1590 (the date of Walsingham's death), but not before 1589 (for it has an obvious allusion to the Marprelate libels); the greater part of which letter, I should add (as a circumstance which, taken along with the rest, may be considered conclusive), is also found almost word for word in Bacon's "*Observations on a Libel*," written in 1592. And here it follows:—

SIR FRANCIS WALSINGHAM, SECRETARY, TO MONSIEUR CRITOY, SECRETARY OF FRANCE.<sup>1</sup>

SIR,—Whereas, you desire to be advertised touching the proceedings here in ecclesiastical causes, because

<sup>1</sup> *Scrinia Sacra*, ed. 1654, p. 38. Collated with another copy in Burnet's *History of the Reformation*, vol. ii., p. 418, who describes it as a letter written by Walsingham, in French, to one Monsieur Critoy, a Frenchman; "of which

you seem to note in them some inconstancy and variation, as if we sometimes inclined to one side and sometimes to another, and as if that clemency and lenity were not used of late which was used in the beginning; all which you impute to your own superficial understanding of the affairs of this state, having, notwithstanding, her Majesty's doings in singular reverence, as the real pledges which she hath given unto the world of her sincerity in religion and of her wisdom in government well meriteth; I am glad of this occasion to impart that little I know in that matter to you, both for your own satisfaction and to the end you may make use thereof towards any that shall not be so modestly and so reasonably minded as you are.

I find, therefore,<sup>1</sup> that her Majesty's proceedings have been grounded upon two principles:—

1. The one, that consciences are not to be forced, but to be won and reduced by the force of truth, with the aid of time and the use of all good means of instruction and persuasion.

2. The other, that the causes of conscience, when they exceed their bounds and grow to be matter of faction, lose their nature; and that sovereign princes ought distinctly to punish the practice or contempt, though colored with the pretense of conscience and religion.

According to these principles, her Majesty at her coming to the Crown, utterly disliking the tyranny of Rome, which had used by terror and rigor to seek commandment of men's faiths and consciences, though as a prince of great wisdom and magnanimity, she suffered but the exercise of one religion, yet her proceed-

the says: I have seen an English copy, taken (as it is to be seen) from the original. Both these copies contain inaccuracies; but each helps to correct the other.

<sup>1</sup> The whole passage which follows, down to "a thore to her enemies," was afterwards incorporated, with a few slight variations and insertions, into Bacon's *Of the Advancement of Learning*, 1605.



ing towards the Papists was with great lenity, expecting the good effects which time might work them. And therefore her Majesty revived not the laws made in the twenty-eighth and thirty-fifth year of her father's reign, whereby the oath of allegiance might have been offered at the king's pleasure to any subject, though he kept his conscience never so modestly to himself; and the refusal to take the same oath without further circumstance was made treason. But contrariwise her Majesty, not liking to make windows into men's hearts and secret thoughts except the abundance of them did overflow into overt and express acts or affirmations, tempered her law so as it restraineth only manifest disobedience, in impugning and impeaching advisedly and maliciously her Majesty's supreme power, and maintaining and extolling a foreign jurisdiction. And as for the oath, it was altered by her majesty into a more grateful form; the harshness of the name and appellation of supreme head was removed, and the penalty of the refusal thereof turned only into disablement to take any promotion or to exercise any charge; and yet with liberty of being re-invested therein if any man should accept thereof during his life. But after, when Pius Quintus had excommunicated her Majesty, and the Bulls of Excommunication were published in London, whereby her Majesty was in a sort proscribed; and that thereupon as upon a principal motive or preparative followed the rebellion in the North; yet because the ill humors of the realm were by that rebellion partly purged, and that she feared at that time no foreign invasion, and much less the attempt of any within the realm not backed by some potent succor from without, she contented herself to make a law against that special case of bringing in or publishing of any Bulls or the like instruments; whereunto was added a prohibition, upon pain not of treason, but of an inferior degree of punishment, against the

bringing in of *Agnus Dei*, hallowed beads, and such other merchandise of Rome, as are well known not to be any essential part of the Romish religion, but only to be used in practice as love-tokens to enchant the people's affections from their allegiance to their natural sovereign. In all other points her Majesty continued her former lenity. But when about the twentieth year of her reign she had discovered in the King of Spain an intention to invade her dominions, and that a principal point of the plot was to prepare a party within the realm that might adhere to the foreigner, and that the seminaries began to blossom and to send forth daily priests and professed men, who should by vow taken at shrift reconcile her subjects from their obedience, yea and bind many of them to attempt against her Majesty's sacred person; and that by the poison which they spread, the humors of most Papists were altered, and that they were no more Papists in conscience and of softness, but Papists in faction; then were there new laws made for the punishment of such as should submit themselves to such reconcilements or renunciations of obedience. And because it was a treason carried in the clouds and in wonderful secrecy, and came seldom to light, and that there was no presumption thereof so great as the recusance to come to divine service; because it was set down by their decrees that to come to church before reconciliation was to live in schism, but to come to church after reconciliation, was absolutely heretical and damnable; therefore there were added new laws containing a punishment pecuniary against such recusants, not to enforce conscience, but to enfeeble and impoverish the means of those to whom it rested indifferent and ambiguous, whether they were reconciled or no. And when, notwithstanding all this provision, this poison was dispersed so secretly, as that there was no means to stay it but by restraining the merchants that brought it in, then lastly,

there was added another law whereby such seditious priests of the new erection were exiled, and those that were at that time within the land shipped over, and so commanded to keep hence upon pain of treason.

This hath been the proceeding with that sort, though intermingled not only with sundry examples of her Majesty's grace towards such as in her wisdom she knew to be Papists in conscience and not in faction, but also with an ordinary mitigation towards the offenders in the highest degree convicted by law, if they would but protest that in case this realm should be invaded with a foreign army by the Pope's authority, for the Catholic cause, as they term it, they would take party with her Majesty and not adhere to her enemies.

For the other part, which have been offensive to this state, though in another degree; which named themselves Reformers, and we commonly call Puritans; this hath been the proceeding towards them. A great while, when they inveighed against such abuses in the church as pluralities, non-residence, and the like, their zeal was not condemned, only their violence was sometimes censured; when they refused the use of some ceremonies and rites as superstitious, they were tolerated with much connivency and gentleness; yea, when they called in question the superiority of bishops, and pretended to bring a democracy into the church, yet their propositions were heard, considered, and by contrary writings debated and discussed. Yet all this while it was perceived that their course was dangerous and very popular. As because Papistry was odious, therefore it was ever in their mouths that they sought to purge the church from the relief of Popery; a thing acceptable to the people, who love ever to run from one extreme to another. Because multitudes of rogues and poverty were an eyesore and dislike to every man, therefore they put it into the people's head that if discipline were planted, there should be no beggars

nor vagabonds; a thing very plausible. And in like manner they promised the people many other impossible wonders of their discipline. Besides, they opened the people a way to government by their consistory and presbytery; a thing though in consequence no less prejudicial to the liberties of private men than to the sovereignty of princes, yet in the first show very popular. Nevertheless this (except it were in some few that entered into extreme contempt) was borne with, because they pretended but in dutiful manner to make propositions, and to leave it to the providence of God and the authority of the magistrate. But now of late years, when there issued from them a colony of those that affirmed the consent of the magistrate was not to be attended; when, under pretense of a concession to avoid slanders and imputations, they combined themselves by classes and subscriptions; when they descended into that vile and base means of defacing the government of the church by ridiculous pasquils; when they began to make many subjects in doubt to take an oath, which is one of the fundamental parts of justice in this land and in all places; when they began both to vaunt of the strength and number of their partisans and followers, and to use comminations that their cause would prevail though with uproar and violence; then it appeared to be no more zeal, no more conscience, but mere faction and division; and therefore, though the state were compelled to hold somewhat a harder hand to restrain them than before, yet it was with as great moderation as the peace of the church and state could permit. And therefore, sir, to conclude, consider uprightly of these matters, and you shall see her Majesty is no temporizer in religion. It is not the success abroad, nor the change of servants here at home, can alter her; only as the things themselves alter, so she applieth her religious wisdom to methods correspondent unto them; still retaining the two rules before mentioned, in dealing tenderly with

consciencess and yet in discovering faction from consciencess and softness from singularity. Farewell.

Your loving Friend,

FRANCIS WALSHINGHAM.

If this letter was really drawn up by Bacon (of which, for the reasons above stated, I have myself no doubt), it is interesting as the earliest specimen we have of his taste, judgment, and policy in conducting the defense of the government against popular imputations; the best policy, provided only that the case of the government be good enough to bear it. It is to be remembered indeed, that it was not written in his own name, and that his was not the last judgment which was to be satisfied. Whitgift, as well as Walsingham, had a strong personal interest in the matter, nor did he want either authority or opportunity to correct his old pupil's exercise. If the original manuscript should ever be discovered, I think traces will be found here and there, but especially towards the end of the last sentence but two, where the style and the logic both halt a little, of the Primate's hand. In the main, however, it bears both in conception and execution all the marks of Bacon's characteristic manner.

I have connected it with the "Advertisement touching the Controversies of the Church," because the subjects being so nearly related, one employment may have suggested the other. But there is another way in which this latter task may have fallen naturally to Bacon. His brother Anthony was still in France, carrying on an active correspondence with many eminent persons there, and also with Walsingham at home. It is not at all unlikely that M. Critoy's communication came to Walsingham through his and his brother's hands; in which case the rest would follow naturally. Who this M. Critoy was I have not been able to learn; but this is not ma-

terial, except in so far as it might help to fix the exact date. The letter explains itself, and has the same value for us, to whomsoever addressed.

It may be worth observing that, though the view here taken of the Queen's proceedings towards the *Catholics*, is the same which Bacon maintained to the end of his life, and took pains to impress upon posterity (see the "*In Felicem Memoriam Elizabethæ*"<sup>1</sup>), yet with regard to the policy of her dealing with the *Puritans* (except on one occasion, where he denies that breaches of the law and disturbances of church and state on that side had been allowed to go unpunished), he was, so far as I know, silent. And the truth I take to be that, after the year 1590, he could not have said that her proceedings towards them had been "with as great moderation as the peace of the church and state would permit."

From this time till the latter part of 1591, I find no other composition of Bacon's; nor any important piece of news concerning him, except the following entry in a note-book of Burghley's, dated October 29th, 1589: "A grant of the office of the Clerk of the Counsel in the Star Chamber to Francis Bacon." It was procured for him by Burghley, and the office was a valuable one; worth £1,600 a year, and executed by deputy. It was only the reversion, however, that was granted to him, which did not fall in for twenty years.

Occasional allusions in his brother's correspondence show that he continued as before at Gray's Inn, but tell us little or nothing of his occupations. During this interval, however, it must have been that he became acquainted with the Earl of Essex; an acquaintance which had so great an influence upon his after-life that what I have to say concerning the commencement of it may fitly open a new chapter.

<sup>1</sup> *The Works of Francis Bacon*, vol. ii., pt. 1, page 418.

## CHAPTER IV.

A. D. 1590-1592. *ÆTAT.* 30-32.

WHEN, or under what circumstances, the acquaintance between Bacon and the Earl of Essex *began*, I cannot exactly learn. In his brother's papers I find no allusion to it earlier than February, 1591-92, by which time it had ripened into intimacy; and since Essex had been engaged in France during the latter half of 1591, as commander of the forces sent to assist Henry IV., the commencement of the acquaintance cannot well be dated later than the preceding July.<sup>1</sup> Essex was then twenty-three, and had been for some years high in the Queen's favor. In 1585 and 1586, he had served with distinction under the Earl of Leicester in Holland. In 1587, the Queen had made him her Master of the Horse. In 1588, on occasion of the Spanish invasion, she had appointed him General of the Horse. In 1589, when he returned from the expedition to Portugal in aid of Don Antonio, which he had joined against her orders, she had received him, in spite of his disobedience, with greater favor than ever. Had this been all, a man in Bacon's position could not but be glad of his friendship, and their common relation to Burghley (to whose guardianship Essex had been especially bequeathed by his father on his deathbed) would naturally bring them together. But the attraction which drew them towards each other was not of that ordinary

<sup>1</sup> A letter from Bacon to the Earl of Leicester, asking for his furtherance of some suit which the Earl of Essex had moved in his behalf, has since been found, — written in 1588.



kind. Bacon had many things at heart besides the advancement of his own fortune ; and there was promise in Essex of something far greater than ascendancy in the Queen's favor. Except Sir Philip Sidney, no man had appeared on that stage who seemed so likely, if he attained great power, to make a great use of it ; especially in those things which Bacon was most anxious about, but for which he had little reason to expect encouragement in high places. How to steer the State through the dangers and difficulties of the present time, none knew better than Walsingham and Burghley ; whose skill and policy, along with their offices, Robert Cecil seemed destined to inherit. How to maintain the dignity of the Crown, the greatness of the kingdom, and the authority of the existing laws, — how to attract, attach, and use the ablest servants both for peace and war, — no one knew better than the Queen herself. But her cares did not extend beyond her own people and her own times. Though one of the greatest of governors, she was no great legislator. Though of the most learned of women, she was no great patroness of learning, except where (as in the church and the law) she wanted it for an instrument to govern with. Though the champion of Protestantism, and without any shade of religious bigotry, she took no care to provide for the spiritual wants of the next generation, by making room within the church for those varieties of opinion which the spirit of Protestantism was sure to develop. Though a reverencer of the laws herself, and well aware that the reverence of the people for the laws was the foundation and life of government, she took but little interest in projects for the reformation of them, by correcting abuses, removing uncertainties, simplifying complexities, and settling principles. Whatever savored of "speculation" she regarded with indifference or distrust, as a disqualification for practical service. And as for the recovery to Man of his lost dominion over Nature by

means of Knowledge, she had enough to do in maintaining the dominion of England within its own shores by means of vigilance and state policy. Neither to her therefore nor to her ministers could Bacon have looked for much encouragement in the prosecution of those larger reforms in philosophy, in letters, in church, in state, upon which his mind was brooding, and which he certainly believed to be practicable if the Government would take them in hand.

But the rise of a man like Essex offered a new and unexpected chance. He was a man of so many gifts and so many virtues, that even now, when his defects and the issue to which they carried him are fully known, it still seems possible that under more favorable accidents he might have realized all the promise of his morning; then it must have seemed more than possible. From his boyhood he had been an eager reader and a patient listener. The first year after he left Cambridge he spent happily in studious retirement. His knowledge was already considerable, his literary abilities great, his views liberal and comprehensive, his speech persuasive, his respect for intellectual qualifications in other men earnest and unaffected. His religious impressions were deep, and without being addicted to any of the religious parties in the state, he had points of sympathy with them all. His temper was hopeful, ardent, enterprising; his will strong, his opinions decided; yet he was at the same time singularly patient of oppugnant advice, and liked it the better the more frankly it was given. He had that true generosity of nature which appeals to all human hearts, because it feels an interest in all human things: and which made him a favorite, without any aid from dissimulations and plausibilities, at once with the people, the army, and the Queen. A character rare at all times and in all places; most rare in such a station as he seemed destined thus early to occupy; and promising fruits proportionably rare.

rarely among men ; for I did not only labor carefully and industriously in that he set me about, whether it were matter of advice or otherwise ; but neglecting the Queen's service, mine own fortune, and in a sort my vocation, I did nothing but advise and ruminate with myself to the best of my understanding, propositions and memorials of anything that might concern his Lordship's honor, fortune, or service. And when, not long after I had entered into this course, my brother, master Anthony Bacon, came from beyond the seas, being a gentleman whose ability the world taketh knowledge of for matters of state specially foreign, I did likewise knit his service to be at my Lord's disposing."<sup>1</sup>

Anthony Bacon arrived in England in the beginning of 1592 ; and was met by his friend Nicholas Faunt with a letter from his mother (dated February 3d), full of maternal welcome and advice, while his brother was preparing his chambers in Gray's Inn to receive him. He was in very bad health ; crippled with gout ; but well furnished with information concerning foreign affairs, gathered during his ten years' residence abroad, and kept alive by an extensive correspondence with able intelligencers in different parts of Europe ; the benefit of which, hitherto enjoyed by Burghley, he not long after transferred to Essex.

In the meantime Francis's plans with regard to his own fortune remained the same ; but unhappily the prospect of realizing them did not improve. He had just completed his thirty-first year. He had been a Benchler of his Inn for nearly five years, a Reader for nearly three ; but I do not find that he was getting into practice. His main object still was to find ways and means for prosecuting his great philosophical enterprise ; his hope and wish still was to obtain these by some office under the Government, from which he might derive both position

<sup>1</sup> Apology

in the world which would carry influence, employment in the State which would enable him to serve his country in her need, and income sufficient for his purposes, — without spending all his time in professional drudgery. Nearly six years had passed since his last application to Burghley (the last which we know of), and his hopes were no nearer their accomplishment. The clerkship of the Star Chamber did not help; for it was not in possession nor likely to be for many years; it was but as "another man's ground buttailing upon his house; which might mend his prospect but did not fill his barn."<sup>1</sup> It has been said indeed that before this time the Queen had appointed him "one of her counsel learned extraordinary;" but even if this be true (which, from the absence of all contemporary allusions to a distinction so unusual, I doubt), it does not alter the case; for whether he obtained it sooner or later, it was an honor only, without any emolument appertaining.<sup>2</sup> The entrance upon a new decade reminded him of the swiftness of time and the slowness of his fortune, and suggested a fresh remembrance to Burghley of his hopes and objects; the rather, perhaps, because, with such a friend at Court as Essex, there was now a fresh chance of favorable entertainment for them. The following letter needs no further elucidation; and as I have no means of determining the date of it, except from the allusion it contains to his "thirty-one

<sup>1</sup> His own expression, as given by Hawley, *Works*, vol. 1, Part I, p. 41.

<sup>2</sup> The best authority for dating this appointment so early is the expression used by Sir Hawley in the Latin version of his *Life of Bacon*, which was published after the English one, and occasionally differs from it. "*Nascentur tyrannum in lege tyrannus, a regibus conditi in armis doctores extra ordinem adhibere solent.*" But this may possibly have been an inference drawn from Bacon's letter to Burghley of the 18th of October 1580 (mentioned above, p. 31) of which Sir Hawley did not know the date. I am told also that in legal phraseology a barrister's *assessores* continue until he is called to be a Serjeant; and that Hawley may only have meant that Bacon was made a Q. C. and not a Serjeant. Hawley however was a scholar and not a lawyer, and I am inclined to think that he used the word in its classical sense. The import of the word *extraordinary* he evidently misunderstood. See *Works*, vol. 1, Part I, p. 48 note 3.

years," I place it here at the point when he entered upon his thirty-second.

TO MY LORD TREASURER BURGHLEY.

*My Lord,* — With as much confidence as mine own honest and faithful devotion unto your service and your honorable correspondence unto me and my poor estate can breed in a man, do I commend myself unto your Lordship. I wax now somewhat ancient; one and thirty years is a great deal of sand in the hour-glass. My health, I thank God, I find confirmed; and I do not fear that action shall impair it, because I account my ordinary course of study and meditation to be more painful than most parts of action are. I ever bare a mind (in some middle place that I could discharge) to serve her Majesty; not as a man born under Sol, that loveth honor; nor under Jupiter, that loveth business (for the contemplative planet carrieth me away wholly); but as a man born under an excellent Sovereign, that deserveth the dedication of all men's abilities. Besides, I do not find in myself so much self-love, but that the greater parts of my thoughts are to deserve well (if I were able) of my friends, and namely of your Lordship; who being the Atlas of this commonwealth, the honor of my house, and the second founder of my poor estate, I am tied by all duties, both of a good patriot, and of an unworthy king-man, and of an obliged servant, to employ whatsoever I am to do you service. Again, the meanness of my estate doth somewhat move me: for though I cannot accuse myself that I am either prodigal or slothful, yet my health is not to spend, nor my course to get. Lastly, I confess that I have as vast contemplative ends, as I have moderate civil ends: for I have taken all knowledge to be my province; and if I could purge it of two sorts of rovers, whereof the one with frivolous disputations, confutations, and verborosities, the other with blind experi-

ments and auricular traditions and impostures, hath committed so many spoils, I hope I should bring in industrious observations, grounded conclusions, and profitable inventions and discoveries; the best state of that province. This, whether it be curiosity, or vain glory, or nature, or (if one take it favorably) *philanthropia*, is so fixed in my mind as it cannot be removed. And I do easily see, that place of any reasonable countenance doth bring commandment of more wits than of a man's own; which is the thing I greatly affect. And for your Lordship, perhaps you shall not find more strength and less encounter in any other. And if your Lordship shall find now, or at any time, that I do seek or affect any place whereunto any that is nearer unto your Lordship shall be concurrent, say then that I am a most dishonest man. And if your Lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation unto voluntary poverty: but this I will do; I will sell the inheritance that I have, and purchase some lease of quick revenue, or some office of gain that shall be executed by deputy, and so give over all care of service, and become some sorry book-maker, or a true pioneer in that mine of truth, which (he said) lay so deep. This which I have writ unto your Lordship is rather thoughts than words, being set down without all art, disguising, or reservation. Wherein I have done honor both to your Lordship's wisdom, in judging that that will be best believed of your Lordship which is truest, and to your Lordship's good nature, in retaining nothing from you. And even so I wish your Lordship all happiness, and to myself means and occasion to be added to my faithful desire to do you service. From my lodging at Gray's Inn.

The two brothers were now established under the same roof in Gray's Inn, where they lived on the most affectionate and confidential footing; Anthony, in spite of his



continued ill-health, taking an earnest interest in foreign affairs, and carrying on an active intercourse by letter with his correspondents abroad; Francis busy with his law and philosophy and home politics, yet continually consulted by his brother on all questions of importance; each always ready to help the other to the utmost of his power with money, credit, or advice. Living thus together, and seeing each other every day, it was only now and then (as when one of them visited his mother at Gorhambury, or retreated for quiet and fresh air to Twickenham Park, where Francis had a lodge) that they had occasion to communicate by letter. But Lady Bacon was continually writing: and a great number of her letters (directed to Anthony, but addressed generally to both) are preserved among the Tenison MSS. at Lambeth. These throw a very full light upon her own character, and upon the relations which subsisted between her and her sons; a relation too important at this period of Francis's life to be lost sight of; for the feelings of such a mother, whether in approbation or disapprobation, could not but enter into his consideration, even where they did not determine his course. But to understand this relation rightly, it is necessary to know her as well as him: and with a view to this, it will be worth while to quote some passages of the correspondence in which he is not directly alluded to.

I have already introduced her addressing Lord Burghley on matters of church and state. I shall now show her in a less constrained mood, under the agitations of maternal anxiety. It seems that Anthony Bacon, seeking on all sides for intelligence concerning parties and political intrigues abroad, had used the services of Catholics as well as Protestants; and among others had a confidential servant named Lawson, whose religion was suspected. Him he had sent over to Lord Burghley with some advertisements, which it was important to deliver



safely and secretly. Lady Bacon, a vehement anti-Catholic, suspecting his fidelity and dreading the effect of such company upon her son's faith and morals, prevailed upon Burghley to have him arrested and detained in England. Anthony, hearing of this, sent his friend Francis Allen, a frankhearted, plain-spoken soldier, to intercede for him both with Burghley and his mother; that he might be allowed to return. Burghley seems to have been willing, for he wrote a letter to Lady Bacon on the subject; with which Captain Allen proceeded to Gorhambury. The rest he shall tell himself.

"Upon my arrival at Godombery my Lady used me courteously until such time I began to move her for Mr. Lawson; and, to say the truth, for yourself; being so much transported with your abode there that she let not to say that you are a traitor to God and your country; you have undone her; you seek her death; and when you have that you seek for, you shall have but a hundred pounds more than you have now.

"She is resolved to procure her Majesty's letter to force you to return; and when that should be, if her Majesty give you your right or desert, she should clap you up in prison. She cannot abide to hear of you, as she saith, nor of the other especially, and told me plainly she should be the worse this month for my coming without you, and axed me why you could not have come from thence as well as myself.

"She saith you are hated of all the chiefest on that side, and cursed of God in all your actions, since Mr. Lawson's being with you.

"I am sorry to write it, considering his deserts and your love towards him; but the truth will be known at the last, and better late than never; it is vain to look for Mr. Lawson's return, for these are her Ladyship's own words: 'No, no,' saith she, 'I have learned not to employ ill to good; and if there were no more men in England, and although you should never come home, he shall never come to you.' . . .

"It is as impossible to persuade my Lady to send him as for myself to send you Paul's temple. . . .

"I must confess your brother, Mr. Francis Bacon, is most tractable and most earnest, if possible it may be done, to fulfill your demand; he hath used me with great humanity, for which I humbly pray you to give him thanks.

"My Lady seemed to be angry with me because I had brought this bearer Guiliam from you, saying you had but one honest and trusty man, and I had deboshed him from you; which is cause I have taken resolution to send him to you again; I send him not more willingly than he is willing to return.

"Mr. Lawson is in great necessity, and your brother dares not help him, in respect of my Lady's displeasure. . . .

"My Lady said she had rather you made the wars with the King of Navarre than to have staid so long idle in Montohan, and with great earnestness, also tears in her eyes, she wished that when she heard of Mr. Selum's imprisonment you had been fairly buried, provided you had died in the Lord. In my simple judgment she spoke it in her passion, and repented immediately her words.

"When you have received your provision, make your repair home again, lest you be a means to shorten her days, for she told me the grief of mind received daily by your stay will be her end; also saith her jewels be spent for you, and that she borrowed the last money of seven several persons.

"Thus much I must confess unto you for a conclusion, that I have never seen nor never shall see a wise Lady, an honorable woman, a mother, more perplexed for her son's absence than I have seen that honorable dame for yours. — Therefore lay your hand on your heart, look not for Mr. Lawson; here he hath, as a man may say, heaven and earth against him and his return.

"If you think much of my plainness, take heed you give me no authority another time; for I shall do the like.

"F. ALLEN.

"The 17th August, 1589."

Burghley's letter, and another in the same behalf from Francis Bacon, she "would not once vouchsafe to look upon;" and when Anthony returned at last, more than

two years after, Lawson appears to have been still in England, and Lady Bacon's feelings towards him unaltered. The letter with which she dispatched Nicholas Faunt, her son's Puritan friend, to greet him on his arrival, will throw some further light upon the character of this remarkable woman.

"The grace of God be daily multiplied in you, with mercy in Christ our Lord.

"That you are returned now at length I am right glad. God bless it to us both. But when I heard withal that Lawson, who I fore-suspected, staid hence unto you, and so belike hath wrought upon you again to your hurt, to serve his own turn as heretofore; how welcome that could be to your long-grieved mother, judge you. I can hardly say whether your gout or his company were the worse tidings. I have entertained this gentleman, Mr. Faunt, to do as much kindness for me as to journey towards you, because your brother is preparing your lodging at Gray's Inn very carefully for you. I thank God that Mr. Faunt was willing so to do, and was very glad, because he is not only an honest gentleman in civil behavior, but one that feareth God indeed, and as wise withal, having experience of our state, and is able to advise you both very wisely and friendly. For he loveth yourself, and needeth not yours, as others have and yet dis . . .<sup>1</sup> with you. He doth me pleasure in this, for I could not have found another so very meet for you and me in all the best and most necessary respects. Use him therefore, good son, and make much of such, and of their godly and sound friendly counsel. This one chiefest counsel your Christian and natural mother doth give you even before the Lord, that above all worldly respects you carry yourself ever at your first coming as one that doth unfeignedly profess the true religion of Christ, and with the love of the truth now by long continuance fast settled in your heart, and that with judgment, wisdom, and discretion, and are not afraid or ashamed to testify the same by hearing and delighting in those religious exercises of the sincere sort, be they French or English. *In hoc noli adhibere fratrem tuum ad*

<sup>1</sup> The root of this word is *legibile*: perhaps *discernible*.

*consilium aut exemplum. Sed plus dehinc.* If you will be wavering (which God forbid, God forbid), you shall have examples and ill encouragers too many in these days, and that ἀρχή βίωσ, since he was βουλευτής, ἐστὶ ἀπολεία τῆς ἐκκλησίας μεθ' ἡμῶν. φλέει γὰρ τὴν ζωοῦ δόξαν πλεον τῆς ἐξουσίας τοῦ Χριστοῦ.<sup>1</sup> Beware, therefore, and be constant in godly profession without fainting, and that from your heart; for formalism wanteth none with us, but too common. Be not speedy of speech nor talk suddenly, but where discretion requireth, and that soberly then. For the property of our world is to sound out at first coming, and after to contain. Courtesy is necessary, but too common familiarity in talking and words is very unprofitable, and not without hurt-taking, *ut nunc aut tempora.* Remember you have no father. And you have little enough, if not too little, regarded your kind and no simple mother's wholesome advice from time to time. And as I do impute all most humbly to the grace of God whatsoever he hath bestowed upon me, so dare I affirm that it had been good for you every way if you had followed it long ere this. But God is the same, who is able to heal both mind and body, whom in Christ I beseech to be your merciful father and to take care of you, guiding you with his holy and most comfortable spirit, now and ever.

"Let not Lawson, that fox, be acquainted with my letters. I disdain both it and him. He commonly opened underminingly all letters sent to you from counsel or friends. I know it, and you may too much, if God open your eyes as I trust he will. Send it back, to be sure, by Mr. Fant sealed; but he will pry and prattle. So fare you well, and the Lord bless you and keep you for ever.

"Your mother,

"3 Febr."

"A. BACON.

"I trust you, with your servants, use prayer twice in a day, having been where reformation is.<sup>2</sup> Omit it not for any. It will be your best credit to serve the Lord duly and reverently,

<sup>1</sup> That archbishop (meaning Whitgift), since he was counsellor, is the destruction of our church, for he loves his own glory more than the glory of Christ.

<sup>2</sup> Anthony Bacon had stayed some time at Geneva.

and you will be observed at the first now. Your brother is too negligent herein, but do you well and zealously; it will be looked for of the best learned sort, and that is best."

The rest of Lady Bacon's letters (of which I have copies of ten or twelve, written within the next six months) all exhibit the same tender and anxious affection, the same fervid piety, the same proneness to suspect everybody about her son of preying upon him and abusing his simplicity and inexperience; the same irritable jealousy with regard to her own maternal authority; curiously mixed with little solitudes about his physic, his diet, his hours of sleeping, waking, and going abroad, and all his smaller household arrangements.

The relation between the sovereign and the subject, or the Church and her members, changes, as creeds and constitutions change, till at the distance of a few generations it becomes impossible to conceive it correctly without some power of imagination as well as much knowledge of the facts. But the relation between the mother and the son remains substantially the same; and Lady Bacon's affections, dispositions, manners, and temper, reveal themselves through her maternal solitudes, serious and trivial, as clearly as if it were to-day: an affectionate, vehement, fiery, grave, and religious soul, just beginning to fail where such natures commonly fail first, in the power of self-command: in creed a Calvinist, in morals a Puritan. Of the letters which must for many years have been continually passing between her and Francis, only two or three have been preserved. But if we would understand his position, we must not forget that he had a mother of this character and temper living within a few hours' ride of his chambers, anxiously watching over his proceedings, and by advice or authority continually interfering in his affairs.

The two brothers seem to have remained at Gray's

Inn together till the beginning of August, when Anthony went to Gorhambury, and Francis shortly after, "upon a flying report of the sickness," betook himself along with some of his lawyer friends to Twickenham Park; and asked Dr. Andrewes, afterwards the famous Bishop, to join the party; whose duty however, as preacher at St. Giles's, detained him. On the 14th he wrote to invite Mr. Thomas Phillips, who had been formerly in the service of Walsingham, and was now employed by the Earl of Essex, apparently upon Bacon's recommendation.

From a letter addressed to this person on the 15th of September, we catch a glimpse of one kind of work in which Bacon's relation to Essex now involved him. Phillips had apparently been employed by the Earl in procuring intelligence from abroad. The times were so critical, and so many dark conspiracies on foot, that this art of procuring intelligence was among the most important qualifications of a Councillor, and a point in which the rival courtiers strove to outshine each other. Essex was not yet a Councillor, but in good hope of being sworn in soon, and eagerly seeking occasions to prove his worth. In this case there seems to have been some danger of disappointment, which Bacon was anxious to avert. What the particular occasion was cannot be determined from the expressions of the letter; but we happen to know that about this time the Council was occupied with some "great business about Jesuits and seminary priests; by some whereof there were matters of great weight discovered concerning the State, as a new practice or plot of invasion between Spain, Scotland, the Pope, and some other adherents, as Savoy, etc." And it is not improbable that Mr. Phillips's "Mercury" was some intelligencer whom he had dispatched to gather news about this.

TO MR. THOMAS PHILLIPS.

SIR, — I congratulate your return, hoping that all is passed on your side. Your Mercury is returned; whose return alarmed as upon some great matter, which I fear he will not satisfy. News of his coming came before his own letter, and to other than to his proper servant[?],<sup>1</sup> which maketh me desirous to satisfy or to salve. My Lord hath required him to repair to me; which upon his Lordship's and mine own letters received I doubt not but he will with all speed perform; where I pray you to meet him if you may, that laying our heads together we may maintain his credit, satisfy my Lord's expectation, and procure some good service. I pray the rather spare not your travail, because I think the Queen is already party to the advertisement of his coming over, and in some suspect which you may not disclose to him. So I wish you as myself, this 15th of September, 1592.

Yours ever assured,

FR. BACON.

By what accident this and other letters from Bacon to Phillips were preserved and found their way into the place where they now are, I cannot positively say. But I find that in the beginning of the next reign Thomas Phillips was examined before the Council concerning certain secret correspondence which had been held by him with some one abroad: with which correspondence "there were acquainted the Queen's Majesty, the Earl of Essex, Mr. Francis Bacon, Sir William Waad, and Mr. Phillips: the three last being acquainted with it, every man in his turn, as the Queen and the Earl would employ them." On such an occasion all Phillips's papers of this kind would naturally come into the hands of the Government, and so finally into the State Paper Office. These letters

<sup>1</sup> I am not sure of this word: but I think it is "SI."



of Bacon's therefore, and others of the same sort which we shall meet with as we proceed, are to be regarded merely as specimens and fragments accidentally cast up of the kind of services in which Essex employed him; not by any means as affording a complete account of his labors, even in this one kind.

But as Essex aspired to distinction in many other ways, so Bacon studied in many other ways to help him; among the rest by contributing to those fanciful pageants or "devices," as they were called, with which it was the fashion of the time to entertain the Queen on festive occasions. One of the most notable of his smaller works, his "Discourse in Praise of his Sovereign," was most likely composed for some occasion of the kind. We know now, what had been conjectured before, that it formed part of an imaginary conversation, in which four friends meeting for intellectual amusement were represented as delivering speeches in praise of what they held most worthy. The first chose for his subject Fortitude, as being the worthiest virtue; the second Love, as the worthiest affection; the third Knowledge, as the worthiest power; the fourth the Queen, as the worthiest person. The historical allusions in the last point to 1592 as the probable date of composition, and we know that Essex did adorn the triumph of the "Queen's Day" in that year with some distinguished device, and that Bacon was about the Court. It seems very likely therefore that it was composed for that entertainment. But though the occasion was complimentary and the style rhetorical, the matter was grave and there was a special circumstance which would give it at that time a peculiar and serious interest. The "*Responsio ad edictum Regine Angliæ*" had just appeared; a labored invective against the government, charging upon the Queen and her advisers all the evils of England and all the disturbances of Christendom.<sup>1</sup> It was written

<sup>1</sup> Father Parsons is supposed to have been the writer

directly in favor of Spain and the Catholic cause, and addressed itself to all disaffected spirits both at home and abroad. A copy of it had been sent the week before to Anthony Bacon by one of the Lord Keeper's secretaries, with a request that "it might be kept from any but such as were well affected and knew how to use such things;" so it was quite a fresh matter. Now Francis Bacon's oration, though not directly alluding to this book (which might be thought inexpedient, as tending to give it notoriety) did by implication meet and answer the principal allegations which it contained. Whether this would have been enough to secure a patient hearing at Court in a time of festivity for a discourse so grave, so solid, and so long, may be doubted. But whatever the view with which it was composed or the use to which it was put, it is not likely that it was allowed to remain unseen by those whom it most concerned; and I suppose it was from the zeal and ability which it displayed, that Bacon was encouraged shortly after to undertake a larger work on the same subject; and to meet that libellous publication (which was sure, whether noticed or not, to find its way into circulation; especially in the quarters where it would do most mischief) with a detailed reply. Hereupon, laying aside the rhetorical and panegyric style, he fell back into that which was proper for the occasion and natural to himself; worked up the substance of his oration into a narrative and argumentative form; and enlarging his plan to take in the whole state of the kingdom and all the matters in dispute, produced "*Observations on a Libel published this present year 1592,*" which was circulated — and to judge by the number of old copies still extant, circulated extensively — at the time in manuscript; and must always keep its value, not only as a historical record of the times, but as a specimen of the manner in which this kind of controversy ought to be conducted.

I have not succeeded in ascertaining the exact time at which this treatise was composed, but I suppose it to have been in January or February, 1592-3; when Bacon had just completed his thirty-second year, and was about to play a conspicuous part in a new Parliament — a part which brought out his character in some new aspects and had a serious influence upon his after-fortunes.

## CHAPTER V.

A. D. 1593. ÆTAT. 33.

ONE of the principal objects of the author of the libel was to set forth the pacific policy of the King of Spain. It proved to be the immediate forerunner, if not the actual preparative and accomplice, of a new intrigue in Scotland more alarming than any of the rest. And before the reply was finished, several of the most powerful nobles had formally pledged themselves to receive Spanish forces in Scotland, and to raise, by help of Spanish money, forces of their own to join with them. Of this fact the English government received certain intelligence early in January, 1592-3. It was necessary therefore to be prepared for an invasion at both ends of the kingdom at once; and as the double subsidy granted three years before had been already spent in aids to the Netherlands and France, no time was to be lost in summoning a new Parliament and obtaining fresh and liberal supplies.

The Houses met on the 19th of February. The Lord Keeper, in the Queen's presence and by her command, informed them why they had been called, what they were to do, and what not to do. He told them that the King of Spain had since 1588 been furnishing himself with ships of a different build, fitter for our waters; had possessed himself of the principal strongholds in Brittany, places convenient to assail us from by sea; had won a party in Scotland to give landing to his forces there, sent over large sums of money, and received written prom-

ises of assistance; and that his purpose was to invade us by land and sea at once, from north and south. Meantime, the Queen's treasure being spent, she had called them "that she might consult with her subjects for the better withstanding of these intended invasions, which were now greater than were ever heretofore heard of." He told them that they were not called to make any new laws, of which there were already so many that an abridgment of those there were was more wanted than an addition to the number; that the session could not be long, for spring was near when gentlemen would be wanted in their counties and the justices of assize in their circuits; therefore that the good hours must not be lost in idle speeches, but employed wholly in the needful business of the time.

In these admonitions there was nothing unusual. No remonstrance was made; no symptoms of opposition manifested; nor did there seem to be any reason for doubting that if the Commons were left to take their ordinary course without further interference, they would do the business willingly and satisfactorily. It is true that they had shown themselves on late occasions very jealous of their trust, and very reluctant to make precedents for double subsidies. But in times of war subsidies were understood to be the constitutional resource. The wars in which the country was then engaged were popular. There was no suspicion of waste or misemployment or ill success in the administration of former grants. And if extraordinary sacrifices were due to extraordinary occasions, never was there a time in which they might have been more reasonably expected than upon the fresh alarm (for the King of Spain's design was not known to the English public before Parliament met) of so formidable a danger. Yet scarcely a week had passed before obstructions and misunderstandings arose, and that in a manner and quarter so unexpected,

that historians have had to seek far, and hitherto I think unsuccessfully, for an explanation of them.

That there had grown up under the leadership of the Earl of Essex a parliamentary "opposition," whose object was to embarrass the ministers in the hope of supplanting them, is a modern suggestion, drawn from modern experiences, without a shadow of direct evidence to support it, and incredible to any one acquainted with those times. To embarrass Queen Elizabeth's government in a crisis of national danger was no man's way to a seat at *her* council-table. To me it appears more probable that the opposition she met with was legitimately provoked by the Queen herself; for that, seeing the gradual encroachments which for some years Privilege had been making upon Prerogative, she had intended to take advantage of what seemed a favorable crisis, not merely for obtaining those supplies which she was entitled to ask for, but also for establishing one or two precedents in her own favor upon certain points of form which custom had not yet settled. The right of free debate in the Lower House, for instance, had its limits in *fact*, as we know; but Peter Wentworth had formally disputed them;<sup>1</sup> and the dispute, though silenced, had not been decided. So also the rule of voting only one subsidy at a time had been broken by the last Parliament; but it was with an intimation that the case was extraordinary, and a proviso that it should not be taken for a precedent. Now this rule was inconvenient for the public service, and by a little judicious management might be made to lose its prescriptive authority. Again, the Commons had been allowed hitherto to discuss all questions of supply by themselves, without dictation or interference. But since it was not possible to judge how large a supply ought to be offered, without knowing the occasion which called for it; and since the Commons were not then admitted to be

<sup>1</sup> 20th February, 1596-7. See D'Ewee, p. 411.

fit judges of council-table matters; it would certainly be convenient for the government, and might appear not altogether unreasonable in itself, to introduce a custom of discussing such questions in conference with the Lords. Here then were three constitutional points, all fairly disputable, which the Queen would naturally wish to settle in her own favor; and it probably occurred to her that the urgency of the occasion, and the enthusiastic loyalty which she could so well count upon in times of national danger, might enable her silently to advance a step in these directions. Nor was she altogether mistaken. In the first point she succeeded completely for the time, and without a struggle. For when the Speaker proffered the usual petition for liberty of speech, the Lord Keeper was instructed to answer "that liberty of speech was granted in respect of the Aye and No; but not that every one should speak what he listed; "a declaration which, in strict construction, denied liberty of *speech* and allowed only liberty of *vote*. And this principle, so frankly avowed, she took the earliest opportunity of enforcing in practice. For the first proceeding on the part of the Lower House being the delivery by certain members to the Lord Keeper (the House itself not being able to sit because the Speaker was too ill to attend) of a petition relating to the succession of the Crown, the members who delivered it, — Peter Wentworth and others, — were immediately called before the Council, and committed some to the Tower and others to the Fleet; where they remained, I believe, to the end of the session; thus losing their liberty of vote and speech both. And when it was proposed to petition the Queen for their release (lest their constituents should complain of having to pay taxes to which their representatives had not consented), answer was made by the privy councillors that "her Majesty had committed them for causes best known to herself," and that to press her with the proposed suit "would only



hinder them whose good they sought;" with which answer the House seems to have been satisfied. This was no novelty, it is true; for many precedents might have been cited in justification; but it was one more added to the list, and a strong one. And so that point was made good for that time.

How she fared with regard to the two others will appear in the narrative of the proceedings; which I must give at some length, because of the prominent and unexpected part which Bacon played in them. If my interpretation of the Queen's policy be correct, the course he took will be more easily understood.

The question of supply was brought forward on the 26th of February. Sir Robert Cecil set forth at large the danger in which England stood from the King of Spain; his ancient malice, visible in all the proceedings of past years, still as active as ever; his advantages greater than ever, by reason of his recent successes in Lorraine and Brittany, his intrigues in Scotland, and the numbers of the Catholic party gradually increasing. Sir John Wolley (another privy councillor) explained the conditions and designs of the Leaguers in France. And Sir John Fortescue (Chancellor of the Exchequer) followed with a statement of the Queen's finances, past and present; showing that all had been spent upon the great services of the kingdom, — in clearing the Crown of debt, in increasing the strength of the navy, in assisting the French king, and protecting the Netherlands; — that subsidies did not now yield above half the sum which they yielded in Henry VII.'s time; and that all borrowed money had been repaid.

When the case had been thus set forth on behalf of the government, and motion made for "a select and grave Committee to consider of the dangers of the realm and of speedy supply and aid to her Majesty," Bacon

(now knight of the shire for Middlesex, and therefore entitled, I suppose, to take a leading part among the independent members) rose to support the motion. Of his speech only the few opening sentences have been preserved, and, strange to say, they seem at first sight to have no bearing on the question under discussion. Speaking in favor of supply in a Parliament expressly called not for laws but money, all that remains of his speech relates not to money but to laws. But the truth was (and this it is which gives an interest to the small and mutilated fragment which has floated down to us) that he had notions of his own concerning the relations which subsisted between the Crown and Parliament, and the courtesies appertaining to them, which the proceeding of the Queen and her ministers on this occasion did not quite satisfy. In his later life at least, he held it for a point of constitutional doctrine that between the sovereign and the people in a monarchy there was a tie of mutual obligation; the sovereign by advice and consent of Parliament making laws for the benefit of his people, and the people by their representatives in Parliament supplying the wants of the sovereign; therefore that the voting of money should never be proclaimed as the *sole* cause of calling a Parliament, but always accompanied with some other business of state tending to the good of the commonwealth.<sup>1</sup> It was also his constant opinion, expressed both early and late in life, that no greater benefit could be conferred on the commonwealth than a general revision of the whole body of laws, and the reduction of them into one consistent and manageable code. Now although it cannot be said that this Parliament was called for no business of state except money, considering how vitally the state was interested in the cause for which the money was wanted, — yet I suppose he thought it unfit that the necessities of the Crown and the demand for

<sup>1</sup> See a letter to James I., in 1619, which will be given in its place.

money should be placed so nakedly in the foreground, and all other functions of Parliament so completely set aside, as they seemed to be both in the Lord Keeper's speech on opening the session, and in those of the privy councillors on moving for the committee of supply. Seeking therefore to remove such an impression, and remembering what the Lord Keeper had said about the multiplicity of laws and the expediency of abridging them, he set that great topic in the front of his speech; and so contrived not only to draw attention towards the project itself, but also to impart to the meeting between the Queen and her people a more gracious aspect, by suggesting that if she wished them to make no more laws at that time, it was not from any forgetfulness of their just interest in legislation.

Such I take to be the most probable explanation of the apparent irrelevancy of the commencement of Bacon's speech; the end of it being (as we learn from the journals) to enforce the necessity of "present consultation and provision of treasure" to prevent "the dangers intended against the realm by the King of Spain, the Pope, and other confederates of the Holy League." Of the particulars we know nothing but what is contained in the following imperfect and inaccurate report:—

#### OPENING OF SPEECH ON MOTION FOR SUPPLY.

"MR. SPEAKER: That which these honorable personages have spoken of their experience, may it please you to give me leave to deliver of my common knowledge.

"The cause of the assembling of all Parliaments hath been heretofore for Laws or Money; the one being the sinews of Peace, the other of War. To the one I am not privy; but the other I should know.

"I did take great contentment in her Majesty's speeches the other day delivered by the Lord Keeper, how that it

was [fitting an abridgment were made of the laws and statutes of the realm]: a thing not to be done suddenly nor at one Parliament; nor scarce a whole year would suffice, to purge the statute-book nor lessen the volume of laws; — being so many in number that neither common people can half practice them, nor the lawyer sufficiently understand them; — than the which nothing should tend more to the eternal praise of her Majesty.

"The Romans appointed ten men who were to correct and recall all former laws, and set forth their Twelve Tables, so much of all men to be commended. The Athenienses likewise appointed six to that purpose. And Lewis IX.<sup>1</sup> of France did the like in reforming of laws," etc.

Now to proceed with the narrative.

The committee was appointed without further discussion: met that afternoon; the next day, which was Tuesday, brought up their report, recommending the same grant which had been made by the last Parliament, — two subsidies and four fifteenths and tenths; with the same condition, that the present necessity should be stated in the Bill as the motive for so extraordinary a supply; to all which the House assented without opposition, and appointed another committee to meet on the following Saturday for the purpose of drawing up the articles and preamble.

So far all seemed to be going smoothly and rapidly enough. But the Lords were impatient. And whether

<sup>1</sup> So all the copies. I believe it should be XI. I have followed a MS. in the Hargrave Collection (SP4. 10.), which agrees except for a few verbal differences, with the copy in Townsend and D'Eux. None of the journals which I have met with, either in print or manuscript, give any more. The words within brackets I have supplied by conjecture, something to that effect being necessary to complete the sense. But the inaccuracies of this report are of the less consequence, because the substance of all this will be found hereafter in the "Proposals for an Amendment of the Laws," the "Offer of a Digest of Laws," and other places.

it were that they really thought that the question would not bear three days' delay (which is hard to believe), or that they had resolved (which I think more likely) to seize the first fair pretext for putting in their own claim to take part in such deliberations, — certain it is that on Thursday (only four days after the first motion) they sent a message to the Commons reminding them of the business, saying that they had expected to hear something from them before, and therefore had omitted as yet to do anything therein themselves, and now demanding a conference. To this no objection was made. A committee was immediately named for the purpose; the conference took place the same afternoon, and the result was reported to the House the next morning by Sir Robert Cecil.

They had been invited to confer, it appeared, for the purpose of receiving some information from the Lord Treasurer, showing that a double subsidy would not be sufficient for the exigency. Subsidies, owing to some error or mismanagement in the assessment, did not now yield so much as they used to do. The double subsidy last granted, with its four fifteenths and tenths, had not brought into the treasury more than £280,000; and since it was granted, the Queen had been obliged to spend in these defensive wars above £1,030,000 of her own. Therefore a larger supply was required now, and a more speedy collection.

Thus far the proceeding seems to have been legitimate and unobjectionable. These explanations were material to an understanding of the case; the Lord Treasurer was the person who could best give them; and a conference between the two Houses was, according to the practice of those times, the constitutional channel of communication. Had they stopped there, the Commons would have taken the facts into consideration, and instructed their Committee of Supply accordingly.

But the Lord Treasurer, who was the spokesman, went further; and here it was that the Commons had need to be on their guard. He warned them, in the name of the Upper House, that "their Lordships would not in anywise give their assents to pass any act in their own House of less than *three* entire subsidies," payable in the *three* next years at two payments in each year.<sup>1</sup> Whether they would assent to so little as three, he left doubtful. "To what proportion of benevolence, or unto how much their Lordships *would* give their assents in that behalf, they would not as then show;" but desired another conference.

Such was the substance of the Lord Treasurer's communication, as I gather it from the memorandum of Sir Robert Cecil's report entered in the original journal-book of the House of Commons; and if it was not a proposal that the two Houses should, at a conference, *discuss the question of supply together*, I am at a loss for an interpretation of the words. Cecil, having finished his report, made no motion of his own, but referred it to the House.

Bacon, who had been a member of all the committees on this question, was present at the conference, and therefore had had all the night to consider what he should do. As his affairs then stood, it could have been no slight matter which determined him to oppose the Lord Treasurer's proposition. But the case was critical. Once admit the claim of the Lords to take part in *deliberations* on questions of supply, and half the power of the Commons would be gone. The encroachment must be withstood then and there. He came prepared; and as

<sup>1</sup> "Their denial," says another report (Hargrave MS. 324. 21) "was flat. They might not, nor they would not give their assents to less than a treble subsidy; and not to a treble nor a quadruple, unless the same were the better qualified, both in substance and in circumstance of time." The statement in the text is taken from the journal-book of the House, as quoted by D'Ewes. This report is from a MS. journal kept by some member, and probably gives more of the words actually spoken, though it may not represent more accurately the general effect.



soon as Cecil sat down, he rose. "He yielded to the subsidy," — that is, he was willing to vote for the additional subsidy which appeared by the statement of the Lord Treasurer to be required by the public service, — "but disliked that this House should join with the Upper House in the granting of it. For the custom and privilege, he said, of this House hath always been first to make offer of the subsidy from hence unto the Upper House. And reason it is that we should stand upon our privilege. Seeing the burden resteth upon us as the greater number, no reason the thanks should be theirs. And in joining with them in this motion we shall derogate from ourselves; for the thanks will be theirs and the blame ours, they being the first movers. Wherefore I wish that in this action we should proceed, as heretofore we have done, apart by ourselves, and not joining with their Lordships. And to satisfy them, who expect an answer from us to-morrow, some answer would be made in all obsequious and dutiful manner." And out of his bosom he drew an answer framed by himself, to this effect, that they had considered of their Lordships' motion, and thought upon it as was fit, and in all willingness would address themselves to do as so great a cause deserved. But to join with their Lordships in this business they could not but with prejudice to the privileges of this House; wherefore desired, as they were wont, so that now they might proceed therein by themselves apart from their Lordships. "Thus, I think," he added, "we may divide ourselves from their Lordships, and yet without dissension; for this is but an honorable emulation and division." To this he cited a precedent in Henry VIII.'s time, where four of the Lords came down into the Lower House, and informed them what necessity there was of a subsidy, and thereupon the House took it to consideration apart by themselves, and at last granted it."

The motion seems to have taken the government party



by surprise; for it met with no opposition, but being "well liked by the House," the Subsidy Committee was ordered to meet in the afternoon for the purpose of framing an answer, to be reported to the House the next morning. The Committee met accordingly at two o'clock on Friday. But doubts being raised as to the nature and extent of their commission, — some thinking that the question was already carried in favor of an answer in the spirit of Bacon's note, and that their business was only to agree upon the wording of it; others that they were appointed to consider generally what answer they thought fittest, — they parted for that day without agreeing upon anything. On Saturday morning however they met again, and the question being put to the vote, a majority of the Committee was in favor of an answer to the opposite effect, namely that they *would* grant a conference. Sir Robert Cecil reported their proceedings to the House, and delivered this as the recommendation of the Committee. The question was, whether it should be adopted.

Now this was precisely the proposition which should have been moved as an amendment to Bacon's motion the morning before. The point at issue was exactly the same, — Shall the Lower House consent to a conference with the Upper for the avowed purpose of assenting to a proposition, or discussing a question, of supply? They were not asked to come and receive information about the necessities of the kingdom or the state of the finances; they had heard all that at the last conference, and had been willing to hear whatever else the Lords had to communicate. What they had *not* heard then was the amount of subsidy which they must vote if they meant the bill to pass; and what they were now invited to hear must have been either that or something bearing upon that specific point. Still therefore the question was, what answer they should send. Bacon's opinion had

been given already in the House, and the case being no way changed, there was no occasion for him to speak again. The other member for Middlesex, Mr. Wroth, had voted with him in committee, and now spoke against the conference, as "prejudicial to the ancient liberties and privileges of the House, and to the authority of the same." Mr. Beale was of the same mind, and produced a precedent in point from the reign of Henry IV., when upon a like occasion the same proposal had been made, and upon the same ground refused, and the refusal had been allowed by the King as just. Sir Robert Cecil in reply pleaded for the conference, on the ground that the Lords, being some of them privy councillors, understood both the strength of the enemy and the resources of the kingdom better than the Commons could. But as to any misapprehension of the *object* of the conference, he said not a word. The debate ended at last in a resolution carried by 217 to 128, "That *no* such conference should be had." Whereupon (to quote the fullest report I have met with, for the terms of the answer are important) "Committees to the number of thirty were appointed to go up to the Lords, and to say that we humbly thanked their Lordships for imparting to us, at our last meeting with them, matters of great consideration and needful for the state. We would think upon them accordingly as to such causes appertained. But where they desired our conference *about an aid and subsidies to be yielded to the Queen*, we would do therein amongst ourselves our best endeavors; because without breach of privilege to our own House we could not have conference with their Lordships; and for the maintenance of this privilege some precedents have been showed us in the like case."

The terms of the answer therefore left no room for any mistake as to the nature and limits of the objection which the Commons took to the proposal; and if they had mis-

taken the nature of the proposal itself, so that the objection was inapplicable, now was the time to set them right. But no. The answer of the Lords shows that the nature of the proposal had been understood quite correctly. For the report proceeds, —

“This answer Sir John Fortescue delivered to the Lords from the Lower House, speaking for the Committees. And the Lords, having received it and considered it apart after the delivery of it, came again and told the Committees, that they thought very well of it, and took it in kind part that the House did so well accept of their last meaning, and considered so thoroughly upon the things delivered; and desired us to go on our course with our best endeavors in these great causes. But where we denied a conference with them *about the subsidy*, they thought that point of honor and niceness more than needed to be stood upon; for *they and we make one House*, wherefore no such scruples ought to be observed, that we should not confer together. It was for the *aid of the realm*, where they had as great an interest, bare as great a burden, as we; *therefore fittest we should join*. And for the precedent alleged, they desire it may be sent them.”

How could the Upper House more distinctly assert its pretension to take part with the Lower in deliberations concerning supply? How more distinctly dispute the privilege of the Commons to deal with such questions “apart by themselves, and not joining with their Lordships?” But the Commons were not disposed to retreat.

“This being put to the question (continues the reporter), whether the precedent should be sent, it was clearly answered No.” They then merely ordered the Committee of Supply to meet again on Monday; and so Saturday’s work ended.

Sunday coming between gave the Court time to consider. The Queen, to whom of course everything was

reported, found she had gone a step too far. She must give way; how to retreat without seeming to be beaten, was the question. But this was an art in which she excelled, and it may be fairly suspected that the plan of operations which commenced on Monday morning was designed and guided by herself.

In the first place, the Lower House was not to be pressed to submit its precedents to the consideration of the Upper. That motion was to be silently dropped. But it was privately explained to Mr. Beale that the precedent which he had produced was not in point; for in that case the Lords, having agreed among themselves to a greater subsidy than the Commons had granted, invited them to a conference in order that they might *confirm* what they had done; which was not the present proposition; and he was content to acknowledge in the House that he had mistaken the question, and that if he had understood it as it was meant, he would have been of a different opinion.

If upon this explanation the Commons should consent to reverse their resolution, so much the better: the principle of joint discussion might still be saved. But that could hardly be reckoned upon. For their objection to the conference had not in fact turned upon any such point. They had objected, not because they were asked to *confirm* a resolution which the Lords had taken, but because they were asked to *join in conference* with them *about a subsidy*. In the second place, therefore, the objection, if persevered in, was to be met by boldly declaring that it was *not* about a subsidy that they had been asked to confer; that the subject of the proposed conference was the dangers of the kingdom and the means of withstanding them; and that if any one had thought it was to be about a subsidy, he was mistaken. To do this after what had passed would require a firm countenance; but once done it would make all the rest easy; and since

it would involve a virtual concession of the entire principle for which the Lower House contended, they would let it pass if they were wise.

The plan of operation having been thus laid (so at least I suspect; for we have no means of knowing what did actually pass between the Queen and her ministers, but are left to infer it from the proceedings which followed), the business was opened on Monday morning by an explanation from Mr. Beale. He said that since the decision of the House was supposed to have been influenced by the precedent which he had quoted, it was right they should know that he had quoted it under a misapprehension of the question under discussion. He showed in what respects his precedent failed to fit the present case; and wished that, if any had been led by him, they would now be satisfied; for if he had conceived the matter aright, he should himself have thought differently. "There being but a *conference* desired of the Lords, and no *confirming* of anything they had done, he thought they might, and it was fit they should, confer." The explanation being made, it was immediately moved by two of the privy councillors (Sir Thomas Heneage and Sir John Wolley) that Saturday's resolution be reversed, as having proceeded upon a mistake.

For this however the House (as might have been expected) was not quite ready. What the precise mistake had been,—to what therefore, if they revoked their No, they would be understood as saying Yes,—was not yet clear. And to remove all doubt, Sir Henry Unton, after reciting the whole proceeding, moved that they should agree to "*confer with the Lords about a subsidy, but not in any sort to be conformed therein unto them.*" Hereupon Sir Robert Cecil, finding I suppose that they were falling back into the old dispute, resolved at last to throw the disputed point fairly overboard; wondered what the last speaker could be thinking of; "his motion was that

they should confer with the Lords about a subsidy, but not conclude a subsidy, with them; which motion seemed contrary to his meaning, or else it was *more than ever was meant*, for it was *never desired* of them by the Lords to confer *about a subsidy*." This avowal removed at once all obstacles to agreement, and when, upon the motion of Sir Walter Raleigh, "the Speaker put the question, whether they would have a general conference with the Lords or no? it was answered by all, Aye." A message was sent accordingly, which was graciously received, and it was agreed that the conference should take place next day.

Still it was necessary to be watchful, for still there was room for more misunderstanding. They had agreed to *confer*; but "what (asked Sir Thomas Heneage) are we to confer upon? For either we must conform ourselves to somewhat that they will say, or else we must deliver them somewhat that we will say; for *we desiring their conference*, and to come with nothing to say to them, will be unfit for us." A statement of the case so obviously inaccurate, that one can hardly help suspecting a design in it; the rather because, when it was very justly objected to as "a mistaking of the thing agreed upon," the objector was suddenly called to account by two of the privy councillors for imputing a mistake to the Vice-Chamberlain, and that with a degree of unnecessary sharpness which is most easily explained by supposing that the objection was fatal to their scheme. But however that may be, it was resolved at last that they should have authority to confer generally about the dangers and remedies, but "not in any manner of wise to conclude anything particularly" without first reporting the whole proceeding to the House and receiving further orders.

With this commission they went up to the Lords, and told them that "if they desired to enter into speech of the great cause, they were ready to hear them. But if

they would have them to descend into consideration of it amongst themselves, they desired a little respite, and by Thursday would bring them a resolute determination."

And now what had the Lords to say, which they might not have said last Thursday? Of the subsidies not a word. Not a word of what they had said before on that subject (if two independent reports of the conference may be trusted) was repeated; not a word added to it. But they had to inform them of "divers dangers not heard of before;" a new sum of 50,000 crowns had been sent into Scotland by Spain; the Scotch King had gone into the north, and there was fear that, willingly or unwillingly, he would be taken by the lords who were combined against him. These and the like intelligences they imparted to the Commons for their consideration; consented to give them a clear day to consult upon the case; and expected their answer on Thursday afternoon.

It is clear, therefore, that the Lords had at last silently abandoned their former position; for what they now so easily assented to was in fact *all* that the Commons upon Bacon's motion had asked. The communication from the Upper House had been received; they would take it into consideration apart by themselves.

The point of privilege being now no longer in the way, the original question came on again, and was referred to the same Committees, who were ordered to meet on Wednesday afternoon, with a general commission "to confer of all matters of remedies." And now Bacon, — whose name has not been mentioned in any of the proceedings since Friday, when he raised the question which we have just seen settled, — appears again upon the stage.

The Lords had in their first conference demanded a bill of not less than three subsidies, payable in three years. Now the invariable custom had hitherto been to allow two years for the payment of each subsidy. The propo-



sition would therefore involve a double innovation. Not only the total amount of taxation ordinarily imposed by one Parliament would be trebled (which if Parliaments were less frequent might, as far as the burden went, have come to the same thing), but the amount payable in each of these three years would be doubled. And it might well be thought a hazardous experiment, however unexceptionable the purpose and however popular the occasion, to introduce two such novelties at once; first a breach of constitutional usage, which in so tender a matter might naturally awaken jealousy in the people; and next, at the very same instant to send the tax-gatherer among them to demand twice as much as they had ever before been called on to pay. The latter was probably the more hazardous step of the two; for it could hardly be known till tried whether the people *could* pay so much; and accordingly it was upon this point that dispute arose in the Committee. Indeed the Government party themselves so far modified the proposal as to allow four years instead of three for the payment of the three subsidies. And this, as I gather, was the motion submitted to the Committee.

Now Bacon, it will be remembered, had from the first declared his assent to the treble subsidy; but the innovation in the mode of collection, even thus modified, was greater than he was prepared to advise; and after a speech from Mr. Heale in favor of a still larger grant than the one proposed, — which he contended that the country, being so much richer than heretofore, could well afford, — he rose at once to oppose it. The note which has been preserved of his speech runs thus: —

SPEECH ON MOTION FOR A GRANT OF THREE SUBSIDIES, PAYABLE IN FOUR YEARS.

“Mr. Francis Bacon assented to three subsidies, but not to the payment under six years; and to this pro-

pounded three reasons, which he desired might be answered.

- " 1. Impossibility or difficulty.
- " 2. Danger and discontentment.
- " 3. A better manner of supply than subsidy.

" For impossibility, the poor men's rent is such as they are not able to yield it, and the general commonalty is not able to pay so much upon the present. The gentlemen must sell their plate and the farmers their brass pots ere this will be paid. And as for us, we are here to search the wounds of the realm and not to skin them over; wherefore we are not to persuade ourselves of their wealth more than it is.

" The danger is this: we [shall thus] breed discontentment in the people. And in a cause of jeopardy, her Majesty's safety must consist more in the love of her people than in their wealth. And therefore [we should beware] not to give them cause of discontentment. In granting<sup>1</sup> these subsidies thus we run into [two] perils. The first [is that] in putting two payments into one [year], we make it a double subsidy; for it maketh 4s. in the pound a payment. The second is that this being granted in this sort, other princes hereafter will look for the like; so we shall put an ill precedent upon ourselves and to our posterity; and in histories it is to be observed that of all nations the English care not to be subject, base, taxable, etc.

" The manner of supply may be by levy or imposition when need shall most require. So when her Majesty's coffers are empty, they may be imburied by these means."<sup>2</sup>

So ends the note; the last paragraph breaking off, as it would seem abruptly; and not giving even the substance (so at least I infer from comparing it with Bacon's

<sup>1</sup> Paying in MS

<sup>2</sup> The words within brackets supplied by conjecture.

own words in a letter written shortly after, which will appear in its place) of the proposition with which he concluded; which I think was this; that two subsidies should be granted and raised in the ordinary way; but that some difference should be made with regard to the third, with a view partly to mark it as extraordinary (for the mere insertion of a proviso that it was not to be a precedent, though it might do for once, would if often repeated lose all its value, and pass into a precedent itself), and partly to prevent the burden from falling upon the poorer classes.<sup>1</sup> But of the exact terms of his amendment no record has been preserved.

How far these objections were just, it is not easy at this distance of time to judge. But that they were urged out of a sincere apprehension that the measure proposed was hazardous, and rather to save the government from embarrassments to come than to obstruct them at the moment, no one I think can doubt who considers Bacon's position, and reads the record, imperfect as it is, of the proceedings which followed. We may not indeed conclude that he was the only speaker who opposed the proposition of the government in the Committee: for many speeches may have been, and some probably were, made of which we have no account; but when we find that, of the only speakers who are mentioned as having risen after him, four addressed themselves directly to answer his arguments, and the other four all spoke in favor of the grant, only recommending some independent measures to accompany it; and that a proposition to grant three subsidies and six fifteenths and tenths, — payable, the first at a single payment in the first year, the second at a single payment in the second year, the third at two

<sup>1</sup> "It is true that, from the beginning, whatever was done, a double subsidy I did wish might for precedent's sake appear to be extraordinary, and for discontent's sake might not be laid upon the poorer sort." — Letter to Burghley, undated. See p. 96.

payments in the third and fourth years, — was agreed to without a division in the Committee, and confirmed “by all without any contradiction” in the whole House; we may at least conclude that there was no popular party in opposition strong enough to be worth conciliating at the expense of offending the party in power. The result of the experiment proved indeed that he was *mistaken* in thinking that the country could so ill bear such an increase of taxation; for though the struggle in anticipation of which it was imposed never came, and during the two years in which the double payment was exacted internal peace gave leisure enough for discontent to express itself, it does not appear that any difficulty was experienced in the collection, or that the overpressure of *subsidies* (though the burden was increased instead of diminished during the remaining years of Elizabeth’s reign) ever took a prominent place among grievances. But the mistake (if mistake it was) was a natural one, and shared by many. It is evident from the records which remain of the speeches both in this Parliament and the last, that the continual increase of taxation<sup>1</sup> was a subject of general anxiety among the Members. And it was one on which Bacon might easily suppose himself in some respects better able to form an opinion than the Queen or her ministers. As a Member of the Commons, now of some years’ experience, and representing such constituencies as Liverpool and Middlesex; as a lawyer, who heard the talk of the Inns of Court and Westminster Hall; as a poor man, before whom people would talk without reserve; as a seeker for knowledge in all quarters, whereby he was brought into familiar communication with craftsmen as well as learned men; he had op-

<sup>1</sup> During the first twenty-six years of Elizabeth’s reign, only six subsidies had been granted, the intervals between one and another being generally four and sometimes five years. During the last eight four had been granted, more than double the average. During the next twelve, there were granted no less than ten; nearly quadruple

portunities of feeling the popular pulse which greater persons could not have. And thinking the measure proposed by the Government hazardous, he recommended another which he thought safer and yet sufficient for the occasion. Being out-voted, however, he acquiesced in the decision and offered no further obstruction.

On Thursday, at the hour appointed, the resolution of the Commons was signified to the Lords, and received with expressions studiously framed to efface all traces of the previous misunderstanding; the Commons "desiring their Lordships' correspondence with them in *this their cause*," and at the same time intimating a hope that "in some other things which they had not yet resolved" they would "join with them in recommending the matters to her Majesty;" the Lords, on their part, acknowledging that the offer of subsidy "*came from them as feeling and understanding the dangers they were in*," praising their zeal, and adding that "they would commend nothing unto them, because they did perceive it needless." Thus all was in time again. The Bill — after a little delay in arranging details, some of which were new, but without any further dispute on the main points — passed through its regular stages, and was in due time presented by the Speaker to the Queen; who (after a slight rebuke conveyed by the mouth of the Lord Keeper to "*some persons*," — meaning Bacon, — "*who had seemed to regard their countries, and made their necessity more than it was, forgetting the necessity of the time*"), received it in her own person with all thanks and gracious acknowledgment. And on the whole she had good reason to be satisfied. The project of introducing a custom of joint consultation between the two Houses in matters of supply had indeed failed, and the Commons remained in secure possession of their privilege, but the prescription which forbade one Parliament to grant more than one subsidy was effectually overthrown, which was a better

thing; for subsequent experience showed that when their privilege was not questioned, they were far from niggardly in the use of it.

And her authority to determine the limits of liberty of speech in the House, which had been sufficiently asserted in the imprisonment of Peter Wentworth, received a fresh illustration shortly afterwards in a case still more notable by reason of the part which the Speaker had to play in it,—that Speaker being no other than Edward Coke, —who had been Solicitor General since June, and aspired to be Attorney General upon the next vacancy, of which there was now an immediate prospect; for the Mastership of the Rolla was already vacant by the death of Sir Gilbert Gerrard on the 4th of February preceding. Coke had had no experience in Parliament; but had got up the precedents and was ready in every emergency to lay down the law; and what with his great reputation, what with his confidence and force of will, what with his dexterity, he contrived to keep the House in very good order, and proved himself a most effective ally of the Government. He is accused of having on more than one occasion prevented an inconvenient debate, or an adverse vote by “overreaching” the House in the subtle propounding of the question: but in this case his course was direct and his meaning unmistakable. A motion had been made (27th February) by Mr. Morris, Attorney of the Court of Wards, — a lawyer of very high character, — for leave to bring in a Bill to restrain certain abuses of authority practiced by the Ecclesiastical Commission. This being a forbidden subject, for raising which, that day six years, four members had been sent to the Tower,<sup>1</sup> the Bill was objected to by the more moderate of the Government party on that ground; and Sir Robert Cecil, observing that “it seemed to contain things needful,” proposed to avoid the difficulty by hav

<sup>1</sup> See above, p. 72.

ing it first "commended to the Queen" privately, that so it might be "recommended" by her to them; in which behalf he offered his own services. Here, as the question seemed to be turning upon a point of order or privilege, Coke, though not appealed to, felt called upon to give an opinion; but first, because the Bill was long and had many parts, so that "if they put him presently to open it, he could not (he said) so readily understand it and do it as he should," he was allowed to take it home to read, the debate being in the meantime adjourned. He had scarcely read it through, when a special messenger summoned him to the Queen. She, to his great comfort did not ask to see the Bill (which he had promised that none but himself should see), but only to know "what were the things in it that were spoken to by the House." Which having heard, she commanded him to tell them from her that it was in her power to call Parliaments, in her power to end them, in her power to assent or dissent to anything done in them; that having declared her pleasure by the Lord Keeper, namely, "that it was not meant they should meddle with causes of state or matters ecclesiastical," she "wondered any could be so forgetful of her commandment to attempt a thing" which she had so expressly forbidden; finally, to prevent all further misunderstanding, "her present charge and express command was that no Bill touching the said matters of state or reformation in causes ecclesiastical be exhibited." All this she commanded the Speaker to deliver as from herself to "the body of the realm," as she called them. All this he delivered faithfully; adding only for himself that "upon his allegiance he was commanded, if any such Bill were exhibited, not to read it," and leaving them to conclude that he had no duty but to obey. All this the House heard without remonstrance in word or deed. So that a precedent more full and unequivocal in favor of the Queen's right to determine what



subjects should be discussed in Parliament and what not, could hardly have been devised. The imprisonment of Peter Wentworth and his friends a few days before did not directly raise, and therefore could not directly settle the question; for the House had avoided the difficulty by affecting not to know what their members had been imprisoned for.<sup>1</sup> Now they had no such subterfuge. The Queen's formal message through the Speaker left no room for doubt either as to the fact that she was interfering with their proceedings, or as to the grounds upon which she claimed the right to interfere. Nor was it a trifling increase of weight which the precedent gained from the part which Coke had to take in it. For so ready as he was to interpose his opinion in the debates of the House whenever any question of law or usage gave him an opportunity, his acquiescence in a course of silent submission on this occasion could hardly go for less than an admission on his part that the Queen *had* the right which she claimed. And though it be true that in his later life he decided the question the other way,<sup>2</sup> we are not therefore justified in doubting that his admission was on this occasion sincere and conscientious. It is certain that many similar acts might have been cited in defense of the Queen's proceeding, and if the question had at that time been determined by the preponderance of precedents, it would probably have been carried in her favor.

<sup>1</sup> See above, p. 72.

<sup>2</sup> *Ibid.*, part iv, chap. 1. "This" (the Speaker's petition on being presented to the King) "is in the Parliament House called a Protestation, in respect of the first part," i. e. that the Commons *may* have free speech, etc., "the nature of which is to be the exclusion of a conclusion, and herein, that the House of Commons be not concluded to speak only of those things which the King or Lord Chancellor hath delivered to them to be the cause of the calling of this Court of Parliament, but in a Parliamentary course of all other serious and urgent business, which principally consists of these five branches," etc.; the *state of the Church of England* being expressly mentioned as one.

His arguments rest chiefly upon the terms used in the writs of summons, and is by no means so conclusive as to justify us in assuming that he saw the force of it all. It is, in truth, one of those arguments which do very well for the stronger party, but are worth little or nothing in the mouth of the weaker.

But whether he were right or wrong as regarded the constitutional point, there can be no doubt that he was right as regarded his own prospects of promotion. His conduct as Speaker, besides being good service in itself, had given token of a serviceable disposition, and contained promise of merits to come as well as proof of merits past. And therefore it may seem strange that, when it was resolved to promote the Attorney General to the vacant mastership of the Rolls, the Queen should have hesitated whom to make Attorney. That her choice settled at last upon Coke need surprise no one. But that Bacon was put forward and upheld for a whole year as a likely competitor, is a fact which calls for explanation. Coke was in the very prime of life, and though rather young for the office (being only forty-one), his reputation was already so great, his professional learning and experience so extensive, and his mastery of all the weapons of his craft so perfect, that youth was in his case no disadvantage; his energy was unrivalled; his constitution equal to any quantity of work; he had incurred no suspicion of popularity; and his devotion to the service of the Crown was not likely to be interfered with either by nice scruples or by alien interests. Bacon was nine years younger; had had little or no practice in the Courts; what proof he had given of professional proficiency was confined to his readings and exercises in Gray's Inn; his influence as a speaker in the House of Commons would be of no avail, for the Attorney General was not then considered eligible; law, far from being his only, was not even his favorite study; his constitution was delicate and his health uncertain; his head was full of ideas so new and large, that to most of those about him they must have seemed visionary; he had just shown that he was not to be reckoned upon even as a supporter, on all occasions, of the Government, much less as an unscrupulous partisan or obedient instrument; and he was at this very time and

for that very thing an object of the Queen's marked and serious displeasure. How came such a man at such a time to be so much as proposed or seriously thought of as a fit competitor with Coke for such an office as that of Attorney General? The true answer I suspect is, that the Queen knew them both, and was aware not only of some very great merits in Bacon which were not in Coke, but also of some very great defects in Coke which were not in Bacon. Such merits and such defects there certainly were, as after-trial abundantly proved — merits and defects sufficient in my opinion (the nature of the times and the duties of the office considered) to have turned the scale in favor of the younger man, the less learned lawyer, and the more scrupulous politician. For Coke was, from defect of judgment, always putting himself in the wrong, and from defects of temper, always turning men's hearts against him; whereas Bacon's judgment rarely failed to guide him to the most impregnable position which his case contained; and his temper never betrayed him into the use of language justly offensive or needlessly irritating. Of this the Queen had probably seen something, but not all; and it is to her partial apprehension of the truth that I attribute the difficulty she found in making up her mind.

At whose suggestion Bacon was proposed for *Attorney* (his pretensions to the Solicitorship were obvious and natural), it is not difficult to guess. The Earl of Essex had every motive for wishing his friend in the higher office. He really believed him to be the fitter man, he knew him to be affectionately attached to himself, the mere reputation of procuring such an appointment under such circumstances would draw all suitors into his service, and his was a temper and a time of life upon which obstacles act as incentives. The greatest obstacle was the offense which the Queen had taken at Bacon's conduct in Parliament; but Essex's strength was in her

affection, and his pride in subduing her inclinations to his own.

Her displeasure was no secret. Bacon had heard of it from Burghley and written him a letter in explanation, the tone of which is very remarkable; remarkable not only for the absence of all expressions implying regret for what he had done or intention to do otherwise in future (which is the less surprising, because as he could have had no motive for what he did except a conviction that it was right, so nothing had happened since to alter his opinion), but also for his apparent unconsciousness of having given any just cause of offense. He writes as if he thought it strange that any fault should be found with a member of Parliament for moving an amendment which he honestly believed to be an improvement upon the original motion, -- as if his opposition to the Government measure could require no justification even in the eyes of ministers beyond an assurance that he really disapproved of it. Nor is there any reason for thinking that his surprise was affected. For when we remember that the proceedings of the Commons were then quite private, and that a member of the House had no more right to publish abroad what had been said within its walls, than a privy councillor to divulge the secrets of the Council Table, we may understand how this might really be the case then, strange as it sounds now; for in every assembly which is truly *deliberative*, -- in every assembly whose business is not to decide whether this or that shall be done, but to consider *what* shall be done, -- this liberty of counsel must always be expected and allowed; and such was still the character of the Lower House, though symptoms of a great change were already showing themselves. The letter is without date, but was probably written in March, 1592-3; the speech in question having been made on the 7th of that month. It is the first of Bacon's letters which has been preserved by his own care.

A LETTER TO THE LORD TREASURER BURGHEY, IN EXCUSE OF HIS SPEECH IN PARLIAMENT AGAINST THE TRIPLE SUBSIDY.

*It may please your Lordship,* — I was sorry to find by your Lordship's speech yesterday that my last speech in Parliament, delivered in discharge of my conscience and duty to God, her Majesty and my country, was offensive. If it were misreported, I would be glad to attend your Lordship to disavow anything I said not. If it were misconstrued, I would be glad to expound my words, to exclude any sense I meant not. If my heart be misjudged by imputation of popularity or opposition by any envious or officious informer, I have great wrong; and the greater, because the manner of my speech did most evidently show that I spake simply and only to satisfy my conscience, and not with any advantage or policy to sway the cause; and my terms carried all signification of duty and zeal towards her Majesty and her service. It is true that from the beginning, whatsoever was above a double subsidy, I did wish might (for precedent's sake) appear to be extraordinary, and (for discontent's sake) might not have been levied upon the poorer sort; though otherwise I wished it as rising as I think this will prove, and more. This was my mind, I confess it. And therefore I most humbly pray your Lordship, first to continue me in your own good opinion; and then to perform the part of an honest friend towards your poor servant and ally, in drawing her Majesty to accept of the sincerity and simplicity of my heart, and to bear with the rest, and restore me to her Majesty's favor.

This letter, being a justification and no apology, was far from satisfying the Queen. It was not so that she chose to be served. Bacon, whom she had hitherto distinguished by unusual freedom of access, was now forbid-

den to come into her presence ; and as he had nothing more to offer in the way of submission or defense, at least nothing that was likely to be more satisfactory, — for a repetition of his arguments would have made matters worse, — the road in which he had been hitherto encouraged to look for fortune seemed to be closed forever. At the same time his means were running very low. He had some heavy debts, and his brother who was always ready to lend, even at the cost of becoming himself a borrower, was now obliged by importunate creditors to think of selling a part of his patrimony. Some course must be thought of at once either for increasing income or reducing expenditure. He explained the case to Essex, and told him what he thought of doing. Essex disapproved his project and endeavored to dissuade him. But the fragment of letter from which I learn this circumstance unluckily breaks off without explaining more, and leaves us equally in the dark as to Bacon's design and Essex's objection. I print it from a copy at Lambeth, written in the hand of one of his brother's men, and docketed "*Une lettre au Mons. le Comte d'Essex de Mons. François Bacon, 1593, un mois d'Avrill.*" The rest it must tell for itself.

TO THE EARL OF ESSEX.

MY LORD: I did almost conjecture by your silence and countenance a distaste in the course I imparted to your Lordship touching mine own fortune; the care whereof in your Lordship as it is no news to me, so nevertheless the main effects and demonstrations thereof past are so far from dulling in me the sense of any new, as contrariwise every new refresheth the memory of many past. And for the free and loving advice your Lordship hath given me, I cannot correspond to the same with greater duty, than by assuring your Lordship that I will not dispose of myself without your allowance ; not



only because it is the best wisdom in any man in his own matters to rest in the wisdom of a friend (for who can by often looking in the glass discern and judge so well of his own favor, as another with whom he converseth?), but also because my affection to your Lordship hath made mine own contentment inseparable from your satisfaction. But notwithstanding, I know it will be pleasing to your good Lordship that I use my liberty of replying; and I do almost assure myself that your Lordship will rest persuaded by the answer of those reasons which your Lordship vouchsafed to open. They were two; the one that I should include . . .

Here our light goes suddenly out, just as we were going to see how Bacon had resolved to dispose of himself at this juncture. Knowing however which way his thoughts had turned the year before,<sup>1</sup> when the same question pressed for decision, and were again to turn two years after,<sup>2</sup> we may venture to guess that his plan was to abandon the Court, from which he could no longer hope for preferment, to give up the practice of a profession by which he could not earn a livelihood without the expense of more time than he was willing to spare, to turn his fortune into an annuity, and himself into a poor student. From such a course, Essex both from public and private reasons would naturally wish to dissuade him; nor is anything more likely than that (the Mastership of the Rolls having just fallen vacant) the eagerness of his friendship, joined with a somewhat presumptuous confidence in his influence with the Queen, should tempt him to enforce his arguments by promising to get Bacon made Attorney General upon the first change of offices. Upon which Bacon could hardly do otherwise than suspend his determination till he saw how the undertaking was likely to succeed.

<sup>1</sup> See Letter to Burghley, p. 56.

<sup>2</sup> See Letter to Anthony Bacon, Jan. 25, 1594.



This being agreed on, the first thing to be done was to engage Burghley's interest in the cause, and, if possible, as a first mover. Bacon did not however venture (remembering perhaps the admonition he had received from him on a former occasion) to propose it to him directly; but, breaking the matter to Sir Thomas Cecil, requested him to ascertain first how his father was likely to receive such a proposal. This I learn from the following letter, unluckily without date, but written evidently about this time. Sir Thomas Cecil was Burghley's eldest son by his first wife.

IT MAY PLEASE YOUR LORDSHIP: The title of being your son, as it is the cause that many do use me as their mediator unto your Lordship in their private suits, an office which often through importunity I am thrust unto against my will, yet at this time I must confess I am importuned with my will to be a motioner unto your Lordship for one nearly allied to your house, and whose gifts and qualities of mind I know your Lordship will not think unfit (for) the place he seeketh. It is Mr. Francis Bacon, who hearing of late that the Attorney is likened for the Master of the Rolls, his desire is to be remembered by me unto your Lordship's good acceptance and conceit of him for that place which Mr. Attorney shall leave, and thereby to be recommended by your Lordship to her Majesty. My Lord, I cannot better recommend the good parts that are in the gentleman than I know your Lordship's own opinion is of him. But I know none that is likely to be called to the place that is and ought to be more assured to your Lordship than he; and an honor to your Lordship to prefer them that are assuredly tied to your Lordship in blood as well as in benefit, if their worth be fit for the place.

Thus my Lord I have discharged both my promise and desire to do the gentleman good, and he doth rest to know by me how your Lordship doth accept of this motion, which I humbly beseech your Lordship to signify unto me by your letter, or to himself in my absence; who according as he shall hear from your Lordship, meaneth himself to wait upon your Lordship; in the meantime forbeareth for modesty's sake to speak for himself.

And so craving pardon of your Lordship for this my boldness, I humbly take my leave. From

Your Lordship's most loving and obedient Son.

I had myself moved your Lordship herein, but that at my passing by I had neither fit time nor place.

This letter is a copy, in the hand I believe of Michael Hicks, Burghley's secretary; docketed: "Coppy. Sir Tho. Cecil to my L. touching Mr. Fra. Bacon." It has no date, except a large 1606 in pencil; put in, I suppose, by the arranger of the volume, and certainly wrong, for Burghley died in 1598, and Bacon was knighted in 1603.

In the mean time Bacon, having communicated his wishes to Sir Robert Cecil and received an assurance of goodwill, requested him also to use his influence with his father for the same purpose, as appears by the following letter:—

TO THE RIGHT HONORABLE SIR ROBERT CECIL, KNIGHT, ONE OF HER MAJESTY'S MOST HONORABLE PRIVY COUNCIL.

Sir,—I thank your Honor very much for the signification which I received by Mr. Hickes of your good opinion, good affection, and readiness. And as to the impediment which you mention and I did forecast, I know you bear that honorable disposition as it will rather give you apprehension to deal more effectually for me than otherwise; not only because the trial of friends is in case of difficulty, but again for that without that circumstance your Honor should be only esteemed a true friend and kinsman, whereas now you shall be further judged a most honorable counsellor. For pardons are ever honorable, because they come from mercy, but most honorable towards such offenders. My desire is your Honor should break with my Lord your father as soon as may stand with your convenience, which was the cause why now I did write. And so I wish your Honor all happiness. From Gray's Inn, this 16th of April, 1593.

Your Honor's in faithful affection to be commanded,  
FR. BACON.

How Burghley received the motion we are not informed. Probably in silence, as not wishing to cross it, and yet thinking it injudicious, and feeling that it would be idle to apply for so high a preferment on behalf of a man whom the Queen was at the very time, whether justly or not, taking pains to distinguish by her displeasure. Such at least was the opinion of Sir Robert Cecil; as appears by the following letter, written about three weeks after the last, in answer to some application from Bacon for advice; the question being (it seems) whether he had better keep near the Court, so as to be at hand to take advantage of any favorable accident, or stay away until the Queen's displeasure abated. Cecil's advice, though worded (whether from caution or carelessness) rather obscurely, amounts to this: "Make it your first object to obtain leave of access again, of which your best chance is through the Earl of Essex. Till this is obtained, it will be premature to apply for preferment;" advice which seems to me very judicious, and in the spirit of which Bacon, so far as he interfered in the matter himself, appears to have acted. Cecil's letter runs thus:—

"Cousin, I have received your letter wherein you request my help [and] advice. For the first, I do and will assure you of it as firmly and honestly as any man that can do it powerfully. But for the second, I must be tender with you, because the effect may be doubtful in things which are here so variable.

"Of the matter which you speak of I do assure you there passeth not so much as any bruit by mine ears; and therefore in mine opinion the vacation may happily pass over before the places be altered; but thereof I can only speak conjecturally; and therefore do I think that as time may do you good, so loss of occasion may do you much harm. And therefore for your coming or not coming, this is my conceit, — that if either by your own presence or by other mediation your way be not made so as that the veil now covering you may be uncovered, though it do but . . . <sup>1</sup> you, according to the slender proportion of

<sup>1</sup> I cannot make out these words.

her Majesty's mislike, whereof you have given so small cause, that surely it will be still a stumble for any man that shall thrust resolutely to deal for that preferment, which being a thing second in honor will be second *ordine*, and therefore the first must be gained to open the way for the second. In conclusion, I thus write because you seem to care for my advice, which with my best means and poorest wit likewise shall be at your commandment to do you any pleasure; assuring [you] that you must press the Earl for it, who hath both true love towards you, and the truest and greatest means to win it of her Majesty. From the Court, this 7th of May, 1593.

"Your loving cousin and friend,

ROB: CYCELL."

That zealous friend needed no pressing, but rather the contrary. As early as the 16th of April, Anthony Bacon writes to his mother, "The Earl of Essex hath been twice very earnest with her Majesty touching my brother; whose speech being well grounded and directed to good ends, as it cannot be denied but it was, I doubt not that God in his mercy will in time make it an occasion of her Majesty's better opinion and liking." And so earnestly did the Earl continue his mediation, that by the beginning of June the stumbling-block seemed to be removed. Of the particulars and progress of the negotiation no account has been preserved; but there are two letters of Bacon's, both unluckily without date, and one without the name of the person to whom it was addressed, which may be referred to this period more probably I think than to any other. Essex would naturally inform Bacon of the progress of his suit and the state of the Queen's feelings; and this would naturally supply Bacon with an occasion to write, since he could not speak, for himself; an occasion which he would be the more apt to take, if he felt, as he could hardly help doing, that Essex was likely to urge the matter on both too fast and too far. He would naturally wish to state for himself, first, the

true ground on which he claimed pardon for his speech; and secondly, the true nature and extent of the favor for which he presumed to ask. The one he did in a letter which, though it has always been printed as a letter to the Lord Keeper Puckering, I rather believe to have been addressed to Essex; the other in a letter to the Queen herself.

A copy of the first lies by itself in the middle of a volume of the Harleian MSS.; without address, heading, date, signature, or indorsement; but it explains and fathers itself.<sup>1</sup> And it will be seen that the remarks which I just now made upon the letter to Burghley, written upon the first intimation of the Queen's displeasure, are equally applicable to this; in which though the expression of *regret* is stronger (time having shown how deep the displeasure had sunk in her mind, and how little satisfactory his excuse had been), yet the substance of his plea is precisely the same; nor is there any approach to an acknowledgment that he is sorry for having *made* the speech; he is still only sorry that she should take it in bad part.

MY LORD, — It is a great grief unto me, joined with marvel, that her Majesty should retain an hard conceit of my speeches in Parliament. It mought please her sacred Majesty to think what my end should be in those speeches, if it were not duty, and duty alone. I am not so simple but I know the common beaten way to please. And whereas popularity hath been objected, I muse what care I should take to please many, that taketh a course of life to deal with few. On the other side, her Majesty's grace and particular favor towards me hath

<sup>1</sup> It is entered in the catalogue as, "Copie of a letter to the Lord Keeper Puckering / concerning the writer's speech in Parliament, wh. ch. had disgusted the Queen." Birch saw that the writer was Bacon, and adopted the guess of the catalogue maker as to the person addressed, but omitted the note of interrogation.

been such, as I esteem no worldly thing above the comfort to enjoy it, except it be the conscience to deserve it. But if the not seconding of some particular person's opinion shall be presumption, and to differ upon the manner shall be to impeach the end, it shall teach my devotion not to exceed wishes, and those in silence. Yet notwithstanding (to speak vainly as in grief) it may be her Majesty hath discouraged as good a heart as ever looked towards her service, and as void of self-love. And so in more grief than I can well express, and much more than I can well dissemble, I leave your Lordship, being as ever,  
Your Lordship's entirely devoted.

A copy of the letter to the Queen is preserved among Anthony Bacon's papers, and needs no comment. It is docketed "*Copie que Mons<sup>r</sup> François Bacon a escrit à sa Ma<sup>te</sup>, 1598.*" But the date does not appear to have been written at the same time as the rest.

#### TO THE QUEEN.

MADAM, — Remembering that your Majesty had been gracious to me both in countenancing me and conferring upon me the reversion of a good place, and perceiving your Majesty had taken some displeasure towards me, both these were arguments to move me to offer unto your Majesty my service, to the end to have means to deserve your benefit and to repair my error. Upon this ground I affected myself to no great matter, but only a place of my profession, such as I do see divers younger in proceeding to myself, and men of no great note, do without blame aspire unto. But if any of my friends do press this matter,<sup>1</sup> I do assure your Majesty my spirit is not with them. It sufficeth me that I have let your Majesty know that I am ready to do that for your service which I never would do for mine own gain. And if

<sup>1</sup> The words "more than as a simple nomination" follow in the MS., with a line drawn through them.

your Majesty like others better, I shall with the Lacedæmonian be glad that there is such choice of abler men than myself. Your Majesty's favor indeed, and access to your royal person, I did ever, encouraged by your own speeches, seek and desire; and I would be very glad to be reintegrate in that. But I will not wrong mine own good mind so much as to stand upon it now, when your Majesty may conceive I do it but to make my profit of it. But my mind turneth upon other wheels that those of profit. The conclusion shall be that I wish your Majesty served answerable to yourself. *Principis est virtus maxima nosse suos.* Thus I most humbly crave pardon of my boldness and plainness. God preserve your Majesty.

The appeal seems not to have been without effect. On the 2d of June, Bacon went to Twickenham for the vacation, having just received intelligence from Essex that the Queen was at length "thoroughly appeased, and that she stood only upon the exception of his years for his present preferment. But I doubt not, saith my Lord, that I shall overcome that difficulty very soon, and that her Majesty will show it by good effects." News which, if true, was as favorable as he could have expected, and might fairly serve him for encouragement during the rest of the summer. For the long vacation, — the season of progresses and general dispersion, — was now near; and if the question were not decided during the next fortnight, it was likely to stand over till September. Such delay was a ground for anxiety but not for discouragement; for the Queen did not know, probably, how ill Bacon's case could bear the uncertainty, and how nearly it concerned him to have the question one way or another settled.



## CHAPTER VI.

A. D. 1598-94. *ÆTAT.* 33-34.

HAD the question been settled once for all, it would have mattered little, perhaps, which way. With a view to the great purposes of Bacon's life either fortune would have had its special advantages and its special disadvantages. Much worse than either was the suspense which, making it doubtful which road he ought to take, postponed all decided action at a time when sudden resolution was especially necessary. To have given up politics and business at once and sequestered himself to philosophy, would have answered very well; though, considering the growing importance of civil questions and the advantageous position in which he stood by reason of his reputation and influence in the House of Commons, the sacrifice would have been considerable. But he would have had a worthy vocation, and means sufficient (after paying his debts) for the comparatively inexpensive life of a private student. To have been advanced at once to office with its ordinary emoluments would have answered, all things considered, still better. The income would have enabled him to bear the expenses of public life. The duties of his place would have given him work worthy of his powers and for which they were eminently suited, and yet left him leisure for other studies. And the loss of time would have been in great part made up by the influence and authority incident to an eminent position,—the commandment (to use his own words) of more wits than his own. But to be kept

spending much and earning nothing, tempted on by hopes continually renewed and never realized, while creditors were growing impatient, and debts increasing, for the satisfaction of which it seemed only necessary to have patience till the next term,— what was this but practice in the fatal art of sleeping on a debtor's pillow? Let Bacon be blamed, not for his anxiety to be relieved from this condition of dangerous uncertainty, but for not putting an end to it at once, at whatever sacrifice. And yet in what particular week or month or quarter he could have taken such a step without appearing to be deliberately throwing away his fairest chance of obtaining that which, on his country's account scarcely less than his own, he had most reason to desire, it is not by any means easy to say. For it would almost seem that this was the condition in which the Queen *wished* to keep him; not knowing probably how dangerous such a condition was for him, as his affairs then stood. If she could have seen the letters which were passing during all these months between his mother and his brother, about the means of helping him to pay his debts without sacrificing his reversion, and which may now be seen in the Lambeth library, she would have better understood the risk she ran of letting her watch-candle, as she used to call him, go quite out. The resource proposed in his present difficulty was the sale of an estate in which his mother had an interest, and which could not be sold without her concurrence. Anthony urged her to surrender her interest in it, that the sale might proceed without delay; adding that the ground of his motion (made without his brother's knowledge) being only a brotherly care and affection, he hoped her Ladyship would think and accept of it accordingly, — believing that “being so near and dear unto me as he is, it cannot but be a grief unto me to see a mind that hath given so sufficient proof of itself in having brought forth many good thoughts for the gen-

eral, to be overburdened and cumbered with a care of clearing his particular estate." Lady Bacon was ready to do anything for either of her sons which she could be sure was for their good; but being strongly possessed with a notion that they were preyed upon by unfaithful servants, she would not consent to this except upon conditions; and her answer gives us a glimpse of the domestic troubles of a very affectionate family.

"If your brother desire a release to Mr. Harvey, let him so require it himself, and but upon this condition by his own hand and bond I will not: that is, that he make and give me a true note of all his debts, and leave to me the whole order and receipt of all his money for his land, to Harvey, and the just payment of all his debts thereby. And by the mercy and grace of God it shall be performed by me to his quiet discharge without cumbering him and to his credit. For I will not have his comorant seducers and instruments of Satan to him committing foul sin by his countenance, to the displeasing of God and his godly true fear. Otherwise I will not *pro certo*.

"A. B."

Now though Lady Bacon may have had some reason for thinking that Francis was an over-trustful and over-indulgent master, — and later experience showed that this was really one of his principal weaknesses, — it does not follow that she was herself very fit to be his stewardess; for if he had too little suspicion of those about him, she most certainly had too much; which in most human dealings is as bad a fault. And at any rate, even if she had been the best woman of business in the world, an arrangement which implied that he was not fit to manage his own affairs would at that time, when he was aspiring to be the Queen's Attorney, have had an awkward appearance. His reply is lost; but the general effect of it may be gathered from his mother's remarks in a letter sent to Anthony the next morning (April 18th), which, being very characteristic and interesting from the

sudden relapse into tenderness which follows the first discharge of passion, I shall give at length.

"I received somewhat late yesterday all sent by the Glover. All the notes savor of discontents mixed. God turn all to the best. Your continuance in debt still I fear still. Often and divers surveys, and no good effect procured. I doubt the bargain; but look you if troubles threaten, purchasers will be low, more . . . . .<sup>1</sup>

"I send herein your brother's letter. Construe the interpretation. I do not understand his enigmatical folded writing. Oh that by not hearkening to wholesome and careful good counsel, and by continuing still the means of his own great hindrance, he had not procured his own early discredit; but had joined with God that hath bestowed on him good gifts of natural wit and understanding. But the same good God that hath given them to him will I trust and heartily pray to sanctify his heart by the right use of them to glorify the Giver of them to his own inward comfort. The scope of my so called by him circumstance, which I am sure he must understand, was not to use him as a ward, — a remote phrase to my plain motherly meaning. — and yet, I think the Lord and the hearing of his word preached, not void of judgment and conceiving. My plain proposition was and is to do him good. But seeing so manifestly that he is robbed and spoiled wittingly by his base exalted (?) men, which with Welsh wiles prey upon him, and yet bear him in hand they have other maintenance, because their bold natures will not acknowledge, I did desire only to receive the money to discharge his debts indeed; and dare not trust such his riotous men with the dealing withal. I am sure no preacher, nor lawyer, nor friend, would have misliked this my doing for his good and my better satisfying."

So far she is carried on in wrath; then comes the relenting:—

"He perceives my good meaning by this, and before too. But Percie had winded him. God bless my son. What he would have me do and when for his own good as I now write

<sup>1</sup> I cannot make out these words.

let him return plain answer by Fynch. He was his father's first choice<sup>1</sup> (?), and God will supply if he will trust in him and call upon [him] in truth of heart; which God grant to mother and sons.

"I send the first flight of my doves to you both, and God bless you in Christ.  
"A. B."

But these private cares, however importunate, formed a small part of the occupations which made this vacation a busy one for both the Bacons. The Earl of Essex had just been made a Privy Councillor, and plunged with characteristic ardor into the business belonging to his new dignity. The times, by the alarms and anxieties which they bred, gave an impulse and a value to his activity. Both in France and Scotland, Spanish intrigue joined with internal faction was so powerful, that the cause of Protestantism had rarely seemed in greater jeopardy than in this summer of 1593; while the King of Scots on the one side was tossed helplessly this way and that between the contending parties, and the King of France on the other was driven, as the only apparent means of securing his crown, settling his kingdom, and saving the Protestant cause from utter overthrow, to the deplorable alternative of publicly renouncing the faith for which he had so long fought, and conforming outwardly to a church to which he scarcely pretended to be a real convert. In both these countries Essex had correspondents, in his intercourse with whom Anthony Bacon appears to have served him in a capacity very like that of a modern under-secretary of state; receiving all letters, which were mostly in cipher, in the first instance; forwarding them (generally through his brother Francis's hands) to the Earl, deciphered and accompanied with their joint suggestions; and finally, according to the instructions thereupon returned framing and dispatching

<sup>1</sup> The word is written so close to the edge of the paper that I cannot make it out. It looks like *chis*.

the answers. The three thus acting together formed a kind of small Foreign Office, the business of which seems to have grown so rapidly in extent, importance, and credit with the Queen, that before the end of the year "all matters of intelligence" were reported to be "wholly in the Earl's hands."

There is evidence enough to show that Francis, who attended the Court during the greater part of this summer, was constantly consulted in all these matters, and in frequent communication with the Earl. But he had not yet begun to keep his letters, and none of them have been preserved. Of the kind of services however in which he was employed, the following letter, addressed to him by Essex about this time, and remaining among his brother's papers, may serve as an illustration.

MR. BACON.—The Queen hath sent for me in such kindness this morning as I must not refuse to go on to her. I hear not of Mr. Phillips. I will acquaint you with my business, that you upon conference with him may do that which myself would have done. The Queen did require of me a draft of an Instruction for matter of intelligence, seeming willing now she hath sworn me one of her Council to use my service that way. I perswade myself she doth it rather to try my judgment in it than for any present necessity for direction of any man that is to go. The places are Rheims and Rome. Mr. Phillips hath known Mr. Secretary's courses in such matters: so as I may have counsel from you and precedents from him. I pray you, as your leisure will serve, send me your conceipt as soon as you can; for I know not how soon I shall be called on. I will draw some notes of mine own which I will reform and enlarge by yours. In haste, this Friday morning.

Your most assured friend,

Essex.

Meantime the Earl of Essex was on his part doing everything which zeal and assiduity could do to make good the expectations which he had held out to Bacon; and that with an appearance of success which was in fact

unfortunate ; for it inflamed a self-confidence of which he had naturally too much, kindled in him a pride in the consciousness and display of court-influence and an ambition to overbear court-rivals, and betrayed him into a misapprehension of the real tenure of his power over the Queen. Elizabeth admired his enthusiasm, liked to see and hear him pleading for his friend with an ardor which became him so well, and her pleasure and patience in hearing him sue flattered him into the belief that he was prevailing. He had yet to learn that she could be well pleased in listening to suits which she had no intention of granting. In the beginning of the long vacation, when the time of decision was yet far off, she appears to have been very encouraging. "Our most honorable and kind friend the Earl of Essex" — so Anthony writes to his mother from Twickenham on the 18th of July — "was here yesterday three hours, and hath most friendly and freely promised to set up, as they say, his whole rest of favor and credit for my brother's preferment before Mr. Cooke whensoever the now Attorney shall be removed to the place of the Rolls. His Lordship told me likewise that he had already moved the Queen for my brother, and that she took no exceptions to him, but said that she must first dispatch the French and Scotch Ambassadors and her business abroad, before she think of such home matters." But as the time of decision drew near, her former exceptions revived, and her old offense at the speech in Parliament, which two months before Essex had supposed to be "thoroughly appeased," was found to be as much in the way as ever. The effect cannot be described so well as in the words of the Earl's own letter to Francis, written on the 24th of August.

SIR, — I spake with the Queen yesterday and on Wednesday. On Wednesday she cut me off short ; she being come newly home and making haste to her supper. Yesterday I had a full audience, but with little better success than before. The points



I pressed were an absolute *dunghia*, and an access as in former times. Against the first she pleaded that you were in more fault than any of the rest in Parliament; and when she did forgive it and manifest her receiving of them into favor that offended her then, she will do it to many that were less in fault as well as to yourself. Your access, she saith, is as much as you can look for. If it had been in the King her father's time, a less offense than that would have made a man be banished his presence for ever. But you did come to the Court when you would yourself; and she should precipitate too much from being highly displeased with you to give you near access, such as she shows only to those that she favors extraordinarily. I told her that I sought for you was not so much your good, though it were a thing I would seek extremely and please myself in obtaining, as for her honor, that those excellent translations of hers<sup>1</sup> might be known to them who could best judge of them. Besides, my desire was that you should neither be stranger to her person nor to her service; the one for your own satisfaction, the other for her Majesty's own sake; who if she did not employ you should lose the use of the ablest gentleman to do her service of any of your quality whatsoever. Her humor is yet to delay. I am now going to her again: and what I cannot effect at once I will look to do *sæpe cadendo*. Excuse my ill writing. I write in haste and have my chamber full of company that break my head with talking. I commend myself to your brother and to yourself, and rest your assured friend,

ESSEX.

And what was Burghley doing all this time? To the application made to him through his sons in April, his answer, if he gave any, has not been preserved. But on the 29th of August, Lady Bacon received from him the following letter:—

GOOD MADAM, — I thank you for your kind letter; and for your sons, I think your care of them is no less than they both deserve, being so qualified in learning and virtue as if they had

<sup>1</sup> Alluding perhaps to some translations from Boetius, *De Consolatione*, with which she is said to have consoled herself after the news of the French king's apostasy.

a supply of more health they wanted nothing. But none are, or very few, *ab omni parte beati*; for such are not elect, but subject to tentations from the highway to heaven. For my goodwill to them, though I am of less power to do my friends good than the world thinketh, yet they shall not want the intention to do them good. And so God continue you in his favor by your meditations, and that I as your old friend may be partaker of your good wishes and prayers.

From my house at Thoobald's, the 29th of August, 1593.

Your Ladyship's loving brother-in-law.

W. BURGHLEY.

If I am right in supposing that from the beginning Burghley thought the suit for the *Attorneyship* unlikely to succeed, and therefore injudicious, this is just such a letter as might have been expected. He did not wish to cross the suit; to encourage it would have been to flatter with false hopes. I see no reason whatever to doubt the sincerity of his profession of goodwill, and if he was prepared to recommend Bacon for Solicitor when Coke should be made Attorney (which the event showed would have been the wiser course), no one can say that he belied it.

Meantime Christmas passed without any resolution concerning the *Attorneyship* either way. On the 18th of January, Bacon was informed by the Earl that he might retire at his pleasure, for nothing more would be done till Easter term; and his thirty-third birthday found him still unpreferred, still without professional practice, still entangled in the unavoidable expenses of attendance about the Court, and gradually growing familiar with the fatal necessity of borrowing money to pay the interest due upon money already borrowed.

The strongest point against Bacon's pretensions for the *Attorneyship* was his want of practice. His opponents said that "he had never entered the place of battle." Whether this was because he could not find clients, or

because he did not seek them, I cannot say. It is certain that his ambition never pointed to the life of a private lawyer as his fit vocation, and that as often as he began to despair of employment in the service of the Crown, he began likewise to think of giving up his profession. It was important, however, in present circumstances to meet the objection by showing what he could do; and opportunity favored him. On the 25th of January, 1593-94, he made his first pleading in the King's Bench — appearing for the heir of Lord Cheyney against the purchasers of his land — and acquitted himself so well that Burghley sent his secretary "to congratulate unto him the first-fruits of his public practice," and to ask for a note of "his case and the chief points of his pleading, to the end he might make report thereof there where it might do him most good." On the 5th of February he argued another case in the King's Bench, and on the 9th appeared again "in a most famous Chequer Chamber case, where the Lord Keeper and the Lord Treasurer (if he were able), the two Lords Chief Justices, with two other judges of each bench, the Lord Chief Baron, and the rest of the Barons," were expected to be present.

A letter from Nicholas Faunt (11th of February) speaks of this pleading as having obtained general applause. "I hope (he says) his Saturday's work (though half-holiday) shall weigh more than the whole week's travel employed by some. Howsoever, in my poor opinion, it cannot but be well in the end that is generally of all sorts so well taken."

No doubt it was a successful performance, and Bacon prepared to retire to Twickenham for the vacation (which began on the 13th of February and lasted till the 17th of April) with an increased reputation, and the appearance of a better chance of success in his suit: which Essex continued to follow on his behalf as earnestly as ever, though without making any real way. Two va-

cancies among the puisne judges had been recently filled up, but the Mastership of the Rolls was still empty; no one had yet been appointed to succeed Walsingham, who had been dead now nearly four years; and there was another secretaryship vacant besides. Burghley, weary of the delay, had begun to press the Queen for a decision, and "straitly urged her to the nomination of Coke to be her Attorney General" — the Rolls seem to have been all along destined for Sir Thomas Egerton — "and also to the nomination of a pair of secretaries, Sir Robert Cecil and Sir Edward Stafford, and a pair of other officers in her household." But Essex set his face against all these appointments, and in a conversation with Sir Robert Cecil (30th of January) declared himself more resolutely than ever in favor of Bacon. Sir Robert "prayed him to be better advised; saying, 'If your Lordship had spoken of the *solicitors*hip, that might be of easier digestion to the Queen.' 'Digest me no digesting (said the Earl); for the Attorneyship is that I must have for Francis Bacon; and in that I will spend my uttermost credit, friendship, and authority against whomsoever, and that whosoever went about to procure it to others, that it should cost both the mediators and the suitors the settling on before they came by it. And this be you assured of, Sir Robert,' quoth the Earl, 'for now do I fully declare myself; and for your own part, Sir Robert, I do think much and strange both of my Lord your father and you, that can have the mind to seek the preferment of a stranger before so near a kinsman; namely considering if you weigh in a balance his parts and sufficiency in any respect with those of his competitor, excepting only four poor years of admittance, which Francis Bacon hath more than recompensed with the priority of his reading, in all other respects you shall find no comparison between them.'"<sup>1</sup>

<sup>1</sup> A. B. to his mother, 5th February, 1603-04.

In such terms the matter stood at the beginning of the Easter vacation, before the end of which it was likely at last to be settled. I do not find that at this time Bacon took any part in the canvass himself.

The vacation supplied him with a little piece of work of another kind; which also fell in seasonably to prove his capacities for business. The Earl of Essex had been engaged for the last three months in tracing the particulars of a conspiracy, which, though nothing was suspected at first more than a Portuguese intrigue with the King of Spain, turned out to be nothing less than a plot to murder Queen Elizabeth. Don Antonio was at that time entertained in England as the lawful King of Portugal, driven from his throne by Philip. But as his prospects grew dimmer, his followers began to fall away and to think of making their peace with the usurper; whose favor they could best deserve (living as they did about the English Court) by the sale of English secrets. About the middle of October, 1593, suspicion of some such transaction falling upon one Ferrera de Gama, a Portuguese gentleman in Don Antonio's service, he was apprehended; himself handed over to his master, and his papers to the Earl of Essex, with commission to search the matter out. Order was accordingly taken to intercept all letters and messengers addressed to subjects of Portugal resident in England. By these it soon appeared that some important secret was in hand, but so carefully wrapt up that nothing could be distinctly made out, until Ferrera himself, in his anxiety to avoid detection, furnished a clue which being closely followed led to the discovery of all. This was a letter despatched by him in great secrecy to one Dr. Lopez, physician to Queen Elizabeth, which fell into the hands of Don Antonio. By this it appeared that a certain messenger was expected from the Continent with letters, the discovery of which would be fatal to them both. It was

clear therefore that Lopez, of whose fidelity nobody had the least suspicion, was somehow concerned in the intrigue; and Ferrera being interrogated upon the matters thus disclosed, and finding that it was useless to deny all, and concluding that Lopez had betrayed him, was content to admit thus much: that himself and others had indeed been endeavoring to make their peace with Spain, and that Lopez, who had for some years been in correspondence with the King, was a party to the negotiation. This declaration, though set down in writing for Don Antonio as early as the 11th of November, was not made known to the Government till the 20th of January; for what reason I cannot guess. It seems however that the Cecils were either wanting in their usual sagacity on this occasion, or unwilling to help forward an investigation which, having been entrusted almost entirely to their young rival, would put a new feather in his cap if it led to anything important. It is certain that at first neither they nor the Queen attached any importance to the charge against Lopez; and when he was examined upon it (21st January) and his house searched, and no papers of intelligence found there, the accusation was set down as a malicious calumny, and Essex himself as "a rash and temerarious youth to enter into a matter against the poor man which he could not prove," thereby compromising the Queen's honor. But Essex had better grounds for his suspicion than they thought. He had conducted the examination in person; had seen the faces of the witnesses and heard their voices; had closely studied all the intercepted correspondence; and so received deeper and truer impressions, probably, than the written depositions could convey. And though he took the Queen's rebuke in such dudgeon that for the next two days he would not come out of his chamber, yet presently relenting he resolved to justify himself by following up the scent. This he did with such skill and



assiduity that through a careful scrutiny of all the intercepted letters, and repeated examination of the several parties whom they had in custody, evidence enough was extracted within a few days to implicate Lopez in a much more serious charge than even he had suspected. "I have discovered" (he writes to Anthony Bacon on the 28th of January) "a most dangerous and desperate treason. The point of conspiracy was her Majesty's death. The executioner should have been Dr. Lopez; the manner poison. This I have so followed as I will make it as clear as the noonday." Lopez was then sent to the Tower; and in the course of the ensuing month a case was made out (not however, I am sorry to say, till one of the chief witnesses had had the "manacles" shown to him) clear enough to go to a jury with, and on the 28th of February he was tried at Guildhall and found guilty.

Up to this point Bacon had had nothing to do with the case; unless Essex, whom he frequently saw while it was going on, consulted him about it privately; which we do not know. But it was no ordinary business. Two principal officers of the King of Spain were directly and deeply implicated in the plot. It is hardly possible to doubt that the King himself knew and approved of it; and proof of this was inextricably interwoven with the evidence produced on the trial. Now it was desirable for many reasons that a case so grave, so singular, and so complicated should be embodied in an authentic narrative for the information and satisfaction of the public. But how was Philip's part in it to be treated? Elizabeth was always strongly disposed to stand by her order; always loath to degrade her office by publishing the crimes of kings and queens, even though they were enemies and she herself the party sinned against. And it would seem from the number of narratives of this case which were drawn up at the time but not published, that



upon this point there was a division of opinion among her councillors. The final resolution however was to publish nothing for the present, and to delay the execution of Lopez; in hope that Philip (who must have known well enough from the proceedings at the trial how much his own character was concerned) would take some step to clear himself of the imputation.

Meanwhile, among the other narratives which were drawn up but not published, was one by Bacon, who was present at the trial; written (as appears by an incidental allusion to the French king's entry into Paris) before the end of March; but whether by the Queen's direction, or at Essex's request, or at his own suggestion, I cannot say. Judging by the elaborate title which it bears,<sup>1</sup> I should think it was composed with a view to publication, though I believe it appeared in print for the first time in the "Resuscitatio" (1657), and as I have met with no manuscript copy, I conclude that it had never been much circulated. It is interesting, though the composition is hasty and careless, not only as containing the clearest and most compendious account of the case that is to be found, but also as giving Bacon's idea of the manner in which the King of Spain's part in the business was to be touched upon.

Of the use which was made of this paper we have no account, nor of the impression made on the Queen by Bacon's professional successes during the preceding term. All we know is that the effect was not decisive in his favor. Though at the end of March the law places were still unfilled, it seems to have been now understood that Coke was to be Attorney. Essex's "utmost credit, friendship, and authority" had been spent in opposing

<sup>1</sup> "A true Report of the Detestable Treason, intended by Dr Rodrigo Lopez a Physician attending upon the Person of the Queen's Majesty, Whom he for a Sum of Money, procured to be paid to Him by the King of Spain, did undertake to have destroyed by Poison, with several Circumstances betwixt the Plotting and Detecting of the same Treason. Perused during the Queen's Life."

that resolution, but spent in vain. He had only succeeded in procuring a long delay, which was itself anything but a benefit; and he was content at last to be a suitor on his friend's behalf for that which two months before he had disdained to hear of, the Solicitorship. In this secondary suit, however, he seemed to have every prospect of prevailing. Among Bacon's competitors for the Solicitorship, there was none eminent enough to be even talked of as a formidable rival. Among the councillors and courtiers there was none conspicuous enough to have been mentioned by name as opposing him. The list of his declared supporters, on the other hand, included Essex, Burghley, the Lord Keeper, the new Master of the Rolls, the Vice-Chamberlain, and all the Judges, whose interest was now united in his favor. But though the accessories were so much changed to his advantage, the original and real impediment remained where it was, and as it was. His conduct in the last Parliament had neither been forgotten nor explained nor forgiven; and it must be admitted that his own subsequent behavior had done nothing either to efface the remembrance or to alter the significance of it. Much as he had lamented the displeasure which it had provoked in the Queen, he had never yet acknowledged it as a fault in himself, and therefore it is but justice to admit that if she had a right to resent it as an offense when it was committed (which I think she had not), she had a right to continue her resentment still, as for an offense which had not been repented of. And to this obstruction in the Queen's will (which I have no doubt was the main hindrance to Bacon's promotion) there was probably added a secret current of opposition from another will as strong as her own, namely, Coke's; whose position and reputation and overruling confidence (swiftened as in those days it was with a reverence for the Majesty royal quite sufficient to make it palatable) would give

him many opportunities of influencing her judgment in the choice of a law-officer; and who certainly disliked Bacon, and held him cheap both as to acquirements and abilities, and I dare say really thought him unfit for the place. Nor must it be forgotten among Bacon's disadvantages that, being still denied access to the Queen, he had no means of speaking for himself. How annoying the delay was to him, we may learn from a letter which he wrote at this time (30th March, 1593) to the Earl of Essex:—

MY LORD:—I thank your Lordship very much for your kind and comfortable letter, which I hope will be followed at hand with another of more assurance. And I must confess this very delay hath gone so near me, as it hath almost overthrown my health. For when I revolved the good memory of my father, the near degree of alliance I stand in to my Lord Treasurer, your Lordship's so signalled and declared favor, the honorable testimony of so many counsellors, the commendation unlabored and in sort offered by my Lords the Judges and the Master of the Rolls elect; that I was voiced with great expectation, and (though I say it myself) with the wishes of most men, to the higher place; that I am a man that the Queen hath already done for; and princes, especially her Majesty, loveth to make an end where they begin; and then add hereunto the obscurity and many exceptions to my competitors; when (I say) I revolve all this, I cannot but conclude with myself that no man ever received a more exquisite disgrace. And therefore truly, my Lord, I was determined, and am determined, if her Majesty reject me, this to do. My nature can take no evil ply; but I will by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honorable and worthy persons, retire myself with a couple of men to Cambridge,

and there spend my life in my studies and contemplations, without looking back. I humbly pray your Lordship to pardon me for troubling you with my melancholy. For the matter itself, I commend it to your love. Only I pray you communicate afresh this day with my Lord Treasurer and Sir Robert Cecil; and if you esteem my fortune, remember the point of precedency. The objections to my competitors your Lordship knoweth partly. I pray spare them not, not over the Queen, but to the great ones, to show your confidence and to work their distaste. Thus longing exceedingly to exchange troubling your Lordship with serving you, I rest

Your Lordship's,

In most entire and faithful duty,

P. B.

I humbly pray your Lordship I may hear from you sometime this day.

Egerton and Coke had their patents for their respective offices made out and delivered on the 10th of April, 1584; but no resolution was taken as to the solicitorship. Bacon's friends could not induce the Queen to admit him to her presence, or take his case into serious consideration. He himself appears to have remained passive. He had not been at Court during the month, and the only letters of his which have been preserved relate to other matters. His patience was in fact wearing out, as well it might. "Touching my brother," Anthony writes to his mother on the 17th of May, "we are both resolute that in case he be not placed betwixt this and the next term, never to make any more words of it." And I think it probable that he would really have taken this occasion to cast himself loose and fulfill the resolution intimated in his letter to Essex of the 30th of March, if the Queen (who meant to punish but not to lose him) had not contrived to renew his lease of patience by em-

ploying him in a service of importance. From a casual remark in a letter to his mother it appears that as late as the 9th of June, which was the end of the first week in Trinity Term, the Queen had not held out any positive encouragement to him, nor done anything to sweeten his disappointment. She did not think fit, however, to try him with another long vacation passed in total eclipse, lest his hope should go quite out; which was not her intention. Before the term was over, therefore, she let a ray from the light of her countenance fall upon him.

The conspiracy of Lopez had been detected; himself and his two confederates had been tried, found guilty, and after remaining for three months under sentence of death, at last executed. But there were more conspiracies behind, the bottom of which had not yet been fathomed. The authors and contrivers did not themselves venture within reach, but corresponded with some persons in the north of England; their plot being to procure the assassination of the Queen, and at the same instant to raise a rebellion. Two of the parties to this correspondence — Henry Walpole and Edward Lyngen — had been taken and sent up to London, where they had already undergone several examinations. On the 13th of June, Lyngen was examined again in the Tower, — I think for the fifth time; and on this occasion Bacon's name appears among the signatures. It seems therefore that though the Queen still refused to speak with him, she had at last relented so far as to employ him; a fact of the more importance because I find no evidence of his having been employed before in any service of this nature. Other signs of relenting she showed in speeches to his friends; nor were these favorable symptoms altogether fallacious: for early in the next month we find Bacon endeavoring to borrow a sum of money to furnish him for a journey towards the north, which he was to undertake immediately, upon some important business of

the Queen's; Anthony assisting him as usual with all his credit and interest, and offering to pledge his own estate as a security for the repayment of the loan. What this business was, is not expressly stated; but on comparing the time with the other circumstances before and after, I have no doubt that it related to this new conspiracy, the seat of which being somewhere in the north, it was necessary to send some one down to study it on the spot.

Bacon had proceeded on his "northern journey" as far as Huntingdon, when he was attacked with some illness, which, though of no great consequence in itself, made it impossible for him to travel. This we learn from the following letter from himself to the Queen:—

FRANCIS BACON TO THE QUEEN.

MOST GRACIOUS AND ADMIRABLE SOVEREIGN, — As I do acknowledge a providence of God towards me that findeth it expedient for me *tolerare jugum in juventute mea*, so this present arrest of me by his divine Majesty from your Majesty's service is not the least affliction that I have proved. And I hope your Majesty doth conceive that nothing under mere impossibility could have detained me from earning so gracious a vail as it pleased your Majesty to give me. But your Majesty's service by the grace of God shall take no lack thereby (and thanks to God, it hath light upon him, that may be best spared); only the discomfort is mine; who nevertheless have the private comfort that in the time I have been acquainted with this service it hath been my hap to stumble upon somewhat unseen, which may import the same [as I made my Lord Keeper acquainted before my going]. So leaving it to God to make a good ending of a hard beginning (and most humbly craving your Majesty's pardon for presuming to trouble your Majesty),<sup>1</sup> I recommend your sacred Majesty to God's tend-

<sup>1</sup> The words within brackets are interlined.

erest preservation. From Huntingdon, this 20th of July, 1594.

Your sacred Majesty's  
in most humble obedience and devotion,  
FR. BACON.

His illness did not confine him long, though long enough to prevent him from proceeding on his mission; and being so near Cambridge he made use of the opportunity to take his degree of Master of Arts; which was conferred upon him in a special congregation, the usual exercises and ceremonies being dispensed with, on the 27th of July. But we have no further news of the visit: and by the end of the month we find him in London again, and well.

Being thus interrupted in the prosecution of the particular case, his thoughts would naturally turn to the general question — whether better measures might not be taken for encountering at their source those conspiracies against the Queen's life, of which every year brought forth a fresh one. Among the papers at Lambeth there are two rough drafts in his handwriting which seem to have been parts of a lost treatise on that subject; the produce probably of that little interval of leisure which his illness forced upon him. One is docketed by himself "The first fragments of a discourse touching intelligence and the safety of the Queen's person," and cannot well have been written earlier than January, or later than September, 1594. It runs thus: —

"The first remedy in my poor opinion is that against which as I conceive least exception can be taken, as a thing without controversy honorable and politic; and that is the reputation of good intelligence. I say not only good intelligence, but the reputation and fame thereof. For I see that where booths are set for watching thievish places there is no more robbing. And



though no doubt the watchmen many times are asleep or away, yet that is more than the thief knoweth, so as the empty booth is strength and safeguard enough. So likewise if there be sown an opinion abroad that her Majesty hath much secret intelligence, and that all is full of spies and false brethren, the fugitives will grow into such a mutual jealousy and suspicion one of another, as they will not have the confidence to conspire together, not knowing whom to trust, and thinking all practice bootless, as that which is assured to be discovered. And to this purpose (to speak reverently as becometh me), as I do not doubt but that those honorable counsellors to whom it doth appertain do carefully and sufficiently take order that her Majesty receive good intelligence, so yet under correction, methinks it is not done with that glory and note to the world which was in Mr. Secretary Walsingham's time. And in this case as was said *opinio veritate major*.

"The second remedy I deliver with less assurance, as that which is more removed from the compass of mine understanding; and that is to treat and negotiate with the King of Spain or Archduke Ernest, who resides in the place where these conspiracies are most forged, upon the point of the law of nations; upon which kind of points princes' enemies may with honor negotiate; viz. that contrary to the same law of nations and the sacred dignity of kings and the honor of arms, certain of her Majesty's subjects (if it be not thought meet to impeach any of his ministers) refuged in his dominions have conspired and practised assassination against her Majesty's person."

Here the paper ends; nor is there anything to show that there was ever any more of it. The last paragraph fixes the date of the composition between the 20th of January, 1593-94, when Archduke Ernest entered upon the government of the Low Countries, and the early part

of September, when Elizabeth applied to him for a passport for a messenger, whom she proposed to send "with the avowed purpose of expostulating with him the wicked practices of the Spanish king's ministers and her Majesty's rebels in going about to take her Majesty's life by poisonings and murderings," — which being the very step that Bacon in this paper advises, must be supposed to have been taken subsequently to it, whether in consequence or not.

Whoever was the author of it, it brought no good effect except that of putting the Archduke in the wrong. For though he sent the passport, he accompanied it with a letter so little respectful that Elizabeth broke off the negotiation at once; and resolved "by more public manner to declare it to the world how far the said king was directly to be touched in that foul and wicked practice." And shortly after was published the "true report of sundry horrible conspiracies, etc.," which I have already mentioned in connection with Bacon's report of the Lopez case, and which differs from it in this respect, that whereas the object of Bacon's paper was to explain the fact and the evidence, the object of this was to fix upon the King of Spain the imputation of being at the bottom of it. "The Lord Treasurer Burghley (says Coke in a MS. note on the title-page of the copy now in the British Museum) thought best to rely principally upon the confessions of the delinquents, without any inferences or arguments;" and adds, "this book was never answered to my knowledge; and this is the best kind of publication."

The other rough draft is on a separate sheet, and is docketed, also by Bacon himself, "The first copy of my discourse touching the safety of the Queen's person." But this docket appears to have been written on the back of the last sheet of the bundle; which would be on the outside when the papers were folded up; and the

rest have slipped out and been lost. For the only sheet now remaining contains nothing but the concluding paragraph, which runs thus: —

"These be the principal remedies I could think of for extirpating the principal cause of those conspiracies, by the breaking the nest of those fugitive traitors, and the filling them full of terror, despair, jealousy, and revolt. And it is true I thought of some other remedies, which because in mine own conceit I did not so well allow, I therefore do forbear to express. And so likewise I have thought and thought again of the means to stop and divert as well the attempts of violence as poison in the performance and execution. But not knowing how my travel may be accepted, being the unwarranted wishes of a private man, I leave; humbly praying her Majesty's pardon if in the zeal of my simplicity I have roved at things above my aim."

It is a pity that more of this treatise has not been preserved, for the discussion of the question would have given a livelier and juster idea of the real conditions of the time than any modern narrator can supply; which conditions, if we would form a true judgment of the men who had to deal with the business of that day, it is very necessary that we should both know and remember. To condemn the intercepting of letters as immoral; to show how the practice of examining suspected persons privately upon interrogatories might be abused into a means of ensnaring the innocent; to prefer the escape of ten guilty to the suffering of one not guilty: all this is natural, and requires no great virtue in an Englishman of the nineteenth century. But we must not forget that even to an Englishman of the nineteenth century such doctrines are natural only in the case of crimes by which none of the great interests of society are supposed to be endangered; upon the *prevention* of which nothing vital is felt to depend. For even now cases occur occasionally

when the *ne quid detrimenti republica capiat* dispenses with our ordinary rules of evidence. Even now, if every year brought forth an attempt under the auspices of Rome and Austria to assassinate the Queen; and if we really believed that upon the assassination of the Queen would follow the loss of Protestantism and Habeas Corpus; we should be less content to allow the attempter ten chances of impunity against one of punishment. For Austria put Spain, and such was in Queen Elizabeth's time the simple historical fact. What mighty interests were believed to hang upon her life may be inferred from the number and pertinacity of the attempts that were made to take it. And when we see what deep preparations and what insidious methods were for that purpose resorted to, together with the manner in which they were actually defeated, we cannot but admit that without large powers rigorously used by her Council her life would not have been safe for a day. Nor is the remembrance of these facts more essential to a just appreciation of the character of the Government than to a right apprehension of the duties of private subjects. Feeling how deep an interest we still have in Bacon's other labors and how little in these, we naturally exclaim, what a pity that one who might have been devoting his time to our business should have wasted so much of it upon his own! But let us not forget what that business was. "To serve the Queen in place" (for that was the condition upon which alone he could have pursued the vocation of a lawyer with satisfaction to himself) was nothing less than to assist in the preservation of the State from imminent surrounding perils, in the warding off of which not his own age only but all succeeding ages, ours as much as any, had a deep interest. I do not say that the defeat of our enemies could not have been accomplished without his help; it was but little he was allowed to do, and the danger passed notwithstanding. But I

say that it depended upon him *among the rest*, and that to desire a forward post in such a service was natural to a man who felt equal to the duties of it and anxious for the issue. No one who saw the times from his point of view could possibly think such an employment unworthy of him; for no one could think that it was such service as any other man could have performed equally well. To secure at once the detection of the guilty, the acquittal of the innocent, the quieting of public fears, the satisfaction of a Protestant majority justly irritated, and the clear vindication of the Government against suspicion of injustice towards the Catholic minority, was a task requiring the rarest combination of sagacity, prudence, patience, candor, temperance, and fortitude; and many illustrations might be found in the annals of Elizabeth's reign of great inconveniences traceable directly to the imperfect performance of it. Elizabeth was not nearly so well provided with counsel now as she had been. Walsingham was gone; Burghley was nearly worn out, and frequently disabled for business; Robert Cecil, though very acute, dexterous, and industrious, and for so young a man well practiced, had more of craft than wisdom; Essex was only twenty-seven years old, quite new in business, naturally impetuous and governed by casual impulses, and ambitious of greatness rather in war than at the council-board; of Cobham we know but little; Raleigh was out of favor and away; there was no Solicitor General; and Coke, who was now the principal champion of the Crown in the courts of criminal justice, where its most hazardous battle had to be fought, was impatient, intemperate, offensive, overbearing, and (for all his subtlety and legal skill) had no genius either for discovering the truth so that he might choose an unassailable position, or for maintaining it in such a manner as to carry with him the sympathies of a popular audience; for his great errors in this kind, which are com-

monly admitted, but imputed to the servility of his youth, are in my opinion more truly attributable to willfulness of temper and defect of understanding. In such circumstances, who can say that Bacon, being called on to assist in the investigation of a secret and extensive conspiracy of which no one yet knew either the centre or the circumference, ought to have declined the task and retired with a couple of men to philosophize at Cambridge?

From this task his illness, though it prevented him from proceeding with the special business on which he had been dispatched, did not otherwise absolve him. On his return to London at the end of July he found the Council busy with the examination of persons implicated in the plot, — Essex and Cobham bearing a principal part. And it was not long before he was himself employed again as an examiner, and engaged in drawing up "interrogatories," for guidance in the preliminary investigations which all cases underwent before they were brought into court. Of this part of the detective process as then practiced, modern popular writers, lawyers as well as historians, are apt to speak as a scandalous abuse of power, — a process essentially iniquitous, — in intention, in theory, in practice, merely tyrannous and opposed to the true ends of justice. And *liable* to abuse it no doubt was, as all secret proceedings must be; for the Government acted under no effective check, beyond the fear of seeing their case break down when it came to public trial; and this was materially diminished by the then general practice of the Courts, in receiving as evidence depositions of witnesses that had been taken privately, without requiring that the witnesses themselves should be produced in open court to confirm them. Certainly there was nothing to prevent a Government from abusing such a power, except conscience and shame. But conscience and shame have their operation in princes and ministers as in other men, and the question is whether

during Elizabeth's reign this power *was* so abused. Now I must say that the records which I have examined (and I have had occasion to examine several in the course of this work) do not seem to me to justify any such imputation. To me the usual order of proceeding in these cases seems, in principle at least, rational, and the likeliest that could be adopted for the discovery of the truth, *supposing that to be the object*. Information is received which throws suspicion upon A of having been a party to some treasonable correspondence. A is apprehended and questioned upon the particular matters in which he is suspected of having had a hand. He must say something, and if he cannot give the true account of what he has done, he must give a false one. The questions and answers are carefully set down, generally signed by himself, always signed by the Commissioners before whom the examination is taken. He is then remanded. Upon a careful scrutiny of his statement it appears that if true it will be confirmed, if false confuted, by the evidence of B and C, whom it implicates. B and C are then sent for and severally questioned. Not knowing what A has said, they can hardly invent statements which shall agree in all particulars with his and with each other, unless all be true. Their answers are taken down in like manner, and are found upon a like scrutiny to involve new particulars. This supplies matter for a fresh examination of A. The same process is repeated as long as it promises to bring out anything new; till at last by successive siftings the several witnesses (each being carefully kept in the dark as to the others' tale) find themselves involved in irreconcilable contradictions or inextricable embarrassments; and one or other, in despair of maintaining the falsehood, confesses the truth. This I believe to be a correct description of the Elizabethan practice; and though it cannot be denied that a government bent upon *making out a case*, and using unscrupulously all the means at



their disposal for terrifying, tempting, or perplexing the examiners, for suppressing the statement of one and garbling the statement of another, might by this method extort evidence which would make an innocent man seem guilty, — and that this is a good reason for altering the practice, — neither can it be denied that a government bent upon *discovering the truth*, and using their powers fairly and scrupulously to that end, would by this method have the best chance of succeeding. And I do not see why a government in the judgment of history is not entitled to the same benefit as a private man in the judgment of his peers, — that of being presumed innocent in the absence of direct evidence implying or indicating guilt.

The winter of 1594 set in early with frost and snow ; and still no Solicitor appointed. Meanwhile the burden of debt and the difficulty of obtaining necessary supplies was daily increasing. Anthony's correspondence during this autumn is full of urgent applications to various friends for loans of money, much of his own necessity arising from his anxiety to supply the necessities of his brother.

It is not often, I suppose, that a relation of debtor and creditor like this continues long even between the best friends without making their intercourse more or less uncomfortable ; especially when the lender has so good an excuse for objecting to fresh demands as that of not being able to lend more without embarrassing himself, and placing himself under fresh obligations to other acquaintance. It is worth recording, therefore, that in all this correspondence I find no trace of disagreement between these brothers. Not a word of reproof, expostulation, reluctance, or impatience, drops from Anthony : though his temper had much of the irritability as well as all the generosity which commonly belongs to an affectionate nature ; and the fact deserves notice, not merely

for the honor which it reflects upon himself, but as affording a strong presumption that *he* at least, who had the best means of judging and was every way so much interested, did not disapprove the course which Francis was taking, or suspect him of prodigality or carelessness.

To suppose that Bacon's mind was not troubled with this disease in his finances, would be a great and unjust reproach. We shall see shortly that he had in fact once more resolved to shake himself free of the ties which bound him to a service so much worse than unprofitable so far as he was himself concerned. We shall see also by what means and upon what conditions he was tempted once more to renew his term.

But it was no part either of his duty or his nature to waste his spirits in vain regret. The vacation gave him leisure for work, and Christmas brought festivities for recreation. And it happens luckily that some traces remain of the manner in which he improved both. It was on the 5th of December, 1594, that he commenced his "*Promus of Formularies and Elegancies*," in which may be traced (if I have read it right) the footprints of a journey in the mind over a large field of reading and meditation, with a view to fix the leading features in memory and store them for future use. And it was on the 29th of the same month that he was called in to assist in "recovering the lost honor of Gray's Inn," which had suffered the night before by the miscarriage of a Christmas revel.

The circumstances are set forth at full length in a tract, which is not difficult to procure, having been reprinted in Nichols's "*Progresses of Queen Elizabeth*."<sup>1</sup> But as Bacon's name does not appear upon the face of the narrative; and as his connection with it, though sufficiently obvious, has never so far as I know been pointed out or suspected; I assume that the little story which I

am going to tell (presenting as it does a curious and very picturesque illustration of the manners of the time and the humors of the people among whom all his early and middle life was spent) is not so familiar to the students of his works but that they will be glad to see it here.

"I trust they will not mum nor mask nor sinfully revel" (so writes Lady Bacon to her son Anthony, on the 5th of December), "at Gray's Inn. Who were sometime counted first, God grant they wane not daily and deserve to be named last." But it was too late for praying. The youth of Gray's Inn were already deep in sinful consultation. Their revells, in which they used to excel, had been intermitted for the last three or four years, and they were resolved to redeem the time by producing this year something out of the common way. Their device was to turn Gray's Inn, "with the consent and advice of the Readers and Ancients," into the semblance of a court and kingdom, and to entertain each other during the twelve days of Christmas license with playing at kings and counsellors. They proceeded accordingly to elect a prince — the Prince of Purpoole. They provided him with a Privy Council for advice in matters of state; with a presence-chamber for audience, and a council-chamber for business; with all officers of state, law, and household; with gentlemen pensioners to wait on his person, and a guard, with a captain of the guard, to defend it. They raised treasure for the support of his state and dignity, partly by a benevolence, which was granted by those who were present, and partly by "letters in the nature of privy seals" which were directed to those who were away. They sent to "their ancient allied friend, the Inner Temple," a formal communication of their proceedings, with request that an ambassador from that state might be sent to reside amongst them: which was with equal formality accorded, "as ancient amity and league required and deserved."

On the 20th of December the Prince with all his state, after the pattern of a royal procession exactly marshalled, proceeded to the great hall of Gray's Inn, and took his seat on the throne. The trumpets sounded thrice, the King-at-Arms proclaimed his style and blazoned his arms; the Champion rode in in full armor and threw down his gage in defiance of all disputers; the Attorney made his speech of congratulation; the Solicitor recited the names of all homagers and tributaries, with the nature of their tenures and services (a recital which gave occasion to many jocose allusions, veiled under legal phraseology — and many of them much in need of a veil — to the manners, customs, and occupations of the several suburban localities), and summoned them to appear and do homage. A Parliament, which was to have been held, was given up, owing to the necessary absence of "some special officers;" but as a subsidy was obtained and a general pardon granted notwithstanding, the jest was rather improved perhaps than injured by the omission. The pardon was read at full length; an elaborate burlesque, beginning with a proclamation of free pardon for every kind of offense for which a name could be invented, and ending with a long list of cases excepted, which does in fact include every offense which could possibly be committed. Then the Prince, having made a short speech to his subjects, called his Master of the Revels, and the evening ended with dances.

This was the first day's entertainment; and though the humor has lost its edge for us, it hit the fancy of the time so well and raised such great expectation that the performers were encouraged to enlarge their plan and raise their style. They resolved therefore (besides all this court-pomp and their daily sports among themselves) to have certain "grand nights," in which something special should be performed for the entertainment of strangers. But the same expectation which suggested the

design spoiled the performance. For on the first of these "grand nights" (which was intended for the special honor of the Templarians), when the Ambassador had arrived in great state, and been conducted to the presence with sound of trumpet, and after interchange of elaborate compliments seated beside the Prince, and the entertainment was ready to begin before a splendid company of "lords, ladies, and worshipful personages that did expect some notable performance,"—the throng grew suddenly so great and the stage so crowded with beholders that there was not room enough for the actors; and nothing could be done. The Ambassador and his train retired in discontent; and when the tumult partly subsided they were obliged (in default of those "very good inventions and conceits" which had been intended) to content themselves with ordinary dancing and revelling; and when that was over, with "a *Comedy of Errors* (like to Plautus his *Menechmus*)," which "was played by the players." This performance seems to have been regarded as the crowning disgrace of this unfortunate Grand Night; a fact, by the way, indicating (if it were Shakespeare's play, as I suppose it was) either rich times or poor tastes; for the historian proceeds, "so that night was begun, and continued to the end, in nothing but confusion and errors; whereupon it was ever afterwards called the *Night of Errors*."

This was on the 28th of December. The next night was taken up with a legal inquiry into the causes of those disorders. A commission of Oyer and Terminer was issued. A certain "sorcerer or conjurer that was supposed to be the cause of that confused inconvenience" was arraigned before a jury of twenty-four gentlemen, on several charges; of which the last was "that he had fostered a company of base and common fellows to make up our disorders with a play of errors and confusions." He met the charge by a counter-statement, set forth in a

petition which was presented and read by the Master of Requests, showing that all was due to negligence on the part of the Council and great officers, and appealing to the Prince; who finding the allegations in the petition to be true, pardoned and released the prisoner; but finding them also to be offensive, as taxing the Government, and therefore not proper to pass unpunished, ordered to the Tower (along with the Attorney and Solicitor, whose delinquencies it exposed) the Master of Requests, who had been acquainted with its contents.

After this broad parody upon the administration of justice by the Crown in Council, they proceeded to "hold a great consultation for the recovery of their lost honor;" which ended in a resolution "that the Prince's Council should be reformed, and some graver conceipts should have their places, to advise upon those things that were propounded to be done afterward." And here it is that the story begins to have an interest for us. It is most probable that one of these "graver conceipts" was Bacon himself. It is certain that an entertainment of a very superior kind was produced a few days after, in the preparation of which he took a principal part.

Friday the 3d of January, was to be the night. "Divers plots and devices" were arranged. Order was taken to prevent overcrowding and confusion. A great number of great persons, among them the Lord Keeper, the Lord Treasurer, the Vice-Chamberlain, and several other Privy Councillors, were invited and came. When all were seated, the Prince came in full state and took his throne. The Ambassador from Templaria followed with his train, and was placed by the Prince's side; and the performance began, after the fashion of those entertainments, with a dumb-show; the object of which was to represent the reconciliation between Gray's Inn and the Temple, which had been disturbed by the Night of Errors.

The curtain being withdrawn discovered the Arch-flamen of the Goddess of Amity standing at her altar, and round it nymphs and fairies singing hymns in her praise, and "making very pleasant melody with viols and voices." Then came in, pair by pair, all the heroic patterns of friendship, Theseus and Pirithous, Achilles and Patroclus, Pylades and Orestes, Scipio and Laelius, each pair offering incense upon the altar as they passed; "which shined and burned very clear without blemish." Last came Graius and Templarius, lovingly, arm in arm; but when they offered their incense the flame was choked with "troubled smoke and dark vapor," until the Arch-flamen performed certain mystical ceremonies and invocations, and the nymphs sang hymns of pacification, upon which the flame burnt up clearer than it had ever done before, and continued longer, and the Arch-flamen pronounced them to be as true and perfect friends as any of those others, and divined that their love would be perpetual; "and so with sweet and pleasant melody the curtain was drawn as it was at the first."

The show being ended, the Prince in token of satisfaction invested the Ambassador and twenty-four of his retinue, with the Collar of the Knighthood of the Helmet; upon which the King-at-Arms, — having first declared how the Prince had instituted this Order in memory of the arms he bore, which were given to one of his ancestors for saving the life of the then sovereign, "in regard that as the helmet defendeth the chiefest part of the body, the head, so did he then defend the head of the state," — proceeded to read the articles of the Order; which they were all to vow to keep, each kissing the helmet as he took his vow.

The ceremony of investiture was followed by a "variety of consort-music" and a running banquet served by the Knights of the Helmet who were not strangers: and so this part of the entertainment ended.



Next follows the part in which we are more especially concerned, that part for the better illustration of which I have thought it worth while to tell the story.

"This being done (proceeds the narrator) there was a table set in the midst of the stage before the Prince's seat; and there sat six of the Lords of his Privy Council, which at that time were appointed to attend in Council the Prince's leisure. Then the Prince spake to them in this manner: —

MY LORDS: We have made choice of you, our most faithful and favored counsellors, to advise with you not any particular action of our state, but in general of the scope and end whereunto you think it most for our honor and the happiness of our state that our government should be rightly bent and directed. For we mean not to do as many princes use, which conclude of their ends out of their own humors<sup>1</sup> and take counsel only of the means, abusing for the most part the wisdom of their counsellors [to<sup>2</sup>] set them in the right way to the wrong place. But we, desirous to leave as little to chance or humor as may be, do now give you liberty and warrant to set before us to what port, as it were, the ship of our government should be bounden. And this we require you to do without either respect to our affections or your own; neither guessing what is most agreeable with our disposition, wherein we may easily deceive you, for Princes' hearts are inscrutable; nor on the other side putting the case by yourselves, as if you would present us with a robe whereof measure were taken by yourselves. Thus you perceive our mind and we expect your answer.

<sup>1</sup> *Asseverat* in original.

<sup>2</sup> *to* omitted in original, and *abusing* . . . counsellors within parentheses.

THE FIRST COUNSELLOR, ADVISING THE EXERCISE OF  
WAR.

**MOST EXCELLENT PRINCE.** — Except there be such amongst us, as I am fully persuaded there is none, that regardeth more his own greatness under you than your greatness over others, I think there will be little difference in choosing for you a goal worthy your virtue and power. For he that shall set before him your magnanimity and valor, supported by the youth and disposition of your body; your flourishing Court, like the horse of Troy, full of brave commanders and leaders; your populous and man-rife provinces, overflowing with warlike people; your coffers, like the Indian mines when they were first opened; your storehouses and arsenals like to Vulcan's cave; your navy like to an huge floating city; the devotion of your subjects to your crown and person, their good agreement amongst themselves, their wealth and provision; and then your strat<sup>2</sup> and unrevocable confederation with these<sup>3</sup> noble and honorable personages, and the fame and reputation without of so rare a concurrence, whereof all the former regards do grow, how can he think any exercise worthy of your means but that of conquest? For in few words, what is your strength, if you find it not? your fortune, if you try it not? your virtue, if you show it not? Think, excellent Prince, what sense of content you found in yourself when you were first invested in our state; for though I know your Excellency is far from vanity and lightness, yet it is the nature of all things to find rest when they come to due and proper places. But be assured of this, that this delight will languish and vanish; for power will quench appetite and satiety will induce<sup>4</sup> tediousness.

<sup>1</sup> are as sex-words in original.

<sup>2</sup> strength in original, for which straight might easily be mistaken.

<sup>3</sup> the 21 original

<sup>4</sup> So original, qf. procremon.

<sup>5</sup> endure in original

But if you embrace the wars, your trophies and triumphs shall be as continual coronations, that will not suffer your glory and contentment to fade and wither. Then when you have enlarged your territories, ennobled your country, distributed fortunes, good or bad, at your pleasure, not only to particulars but to cities and nations; marked the computations of times with your expeditions and voyages, and the memory of places by your exploits and victories; in your later years you shall find a sweet respect<sup>1</sup> into the adventures of your youth; you shall enjoy your reputation; you shall record your travels; and after your own time you shall eternise your name, and leave deep footsteps of your power in the world. To conclude, excellent Prince, and most worthy to have the titles of victories added to your other high and deserved titles, Remember, the divines find nothing more glorious to resemble our state unto than a warfare. All things in earnest and jest do affect a kind of victory; and all other victories are but shadows to the victories of the wars. Therefore embrace the wars, for they disparage you not; and believe that if any Prince do otherwise it is either in the weakness of his mind or means.

THE SECOND COUNSELLOR, ADVISING THE STUDY OF  
PHILOSOPHY.

It may seem, most excellent Prince, that my Lord which now hath spoken did never read the just censures of the wisest men, who compared great conquerors to great rovers and witches, whose power is in destruction and not in preservation; else would he never have advised your Excellency to become as some comet or blazing star, which should threaten and portend nothing but death and dearth, combustions and troubles of the world. And whereas the governing faculties of men are two, force and reason, whereof the one is brute and the other

<sup>1</sup> Probably respect (= retrospect).

divine, he wisheth you for your principal ornament and regality the talons of the eagle to catch the prey, and not the piercing sight which seeth into the bottom of the sea. But I contrariwise will wish unto your Highness the exercise of the best and purest part of the mind, and the most innocent and meriting conquest,<sup>1</sup> being the conquest of the works of nature; making this proposition,<sup>2</sup> that you bend the excellency of your spirits to the searching out, inventing, and discovering of all whatsoever is hid and<sup>3</sup> secret in the world: that your Excellency be not as a lamp that shineth to others and yet seeth not itself, but as the Eye of the World, that both carrieth and useth light. Antiquity, that presenteth unto us in dark visions the wisdom of former times, informeth us that the [governments of] kingdoms have always had an affinity with the secrets and mysteries of learning. Amongst the Persians, the kings were attended on by the Magi. The Gymnosophists had all the government under the princes of Asia; and generally those kingdoms were accounted most happy, that had rulers most addicted to philosophy. The Ptolemies in Egypt may be for instance; and Solomon<sup>4</sup> was a man so seen in the universality of nature that he wrote an herbal of all that was green upon the earth. No conquest of Julius Caesar made him so remembered as the Calendar. Alexander the Great wrote to Aristotle, upon the publishing of the *Physics*, that he esteemed more of excellent men in knowledge than in empire.<sup>5</sup> And to this purpose I will commend to your Highness four principal works and monuments of yourself: First, the collecting of a most perfect and general library, wherein whatsoever the wit of man hath heretofore committed to books of worth, be they ancient or modern, printed or manuscript, European or of the other parts, of one or other language, may be made contribu-

<sup>1</sup> request in original<sup>2</sup> his proposition is of great<sup>3</sup> is in original<sup>4</sup> Solomon in original<sup>5</sup> in the empire in original

tory to your wisdom. Next, a spacious, wonderful garden, wherein whatsoever plant the sun of divers climates, out of the earth of divers moulds, either wild or by the culture of man brought forth, may be with that care that appertaineth to the good prospering thereof set and cherished: This garden to be built about with rooms to stable in all rare beasts and to cage in all rare birds; with two lakes adjoining, the one of fresh water the other of salt, for like variety of fishes. And so you may have in small compass a model of universal nature made private. The third, a goodly huge cabinet, wherein whatsoever the hand of man by exquisite art or engine hath made rare in stuff, form, or motion; whatsoever singularity chance and the shuffle of things hath produced; whatsoever Nature hath wrought in things that want life and may be kept; shall be sorted and included. The fourth such a still-house, so furnished with mills, instruments, furnaces, and vessels, as may be a palace fit for a philosopher's stone. Thus, when your Excellency shall have added depth of knowledge to the fineness of [your] spirits and greatness of your power, then indeed shall you be<sup>1</sup> a Trismegistus; and then when all other miracles and wonders shall cease by reason that you shall have discovered their natural causes, yourself shall be left the only miracle and wonder of the world.

THE THIRD COUNSELLOR, ADVISING ETERNIZEMENT AND  
FAME BY BUILDINGS AND FOUNDATIONS.

My Lords that have already spoken, most excellent Prince, have both used one fallacy, in taking that for certain and granted which was most uncertain and doubtful; for the one hath neither drawn in question the success and fortune of the wars, nor the other the difficulties and errors in the conclusions of nature. But these immoderate hopes and promises do many times issue forth,<sup>2</sup>

<sup>1</sup> *say* in original.

<sup>2</sup> *from* in original.

those of the wars into tragedies of calamities and distresses; and those of mystical philosophy into comedies of ridiculous frustrations and disappointments of such concepts and curiosities. But on the other side, in one point my Lords have well agreed; that they both according to their several intentions counselled your Excellency to win fame and to eternize your name; though the one adviseth it in a course of great peril, and the other of little dignity and magnificence. But the plain and approved way, that is safe and yet proportionable to the greatness of a monarch, to present himself to posterity, is not rumor and hearsay, but the visible <sup>1</sup> memory of himself in <sup>2</sup> the magnificence of goodly and royal buildings and foundations, and the new institutions of orders, ordinances, and societies; that is, that (as) your coin be stamped with your own image, so in every part of your state there may be somewhat new, which by continuance may make the founder and author remembered. It was perceived at the first, when men sought to cure mortality by fame, that buildings was the only way; and thereof proceeded the known holy antiquity of building the Tower of Babel; which as it was a sin in the immoderate appetite of fame, so it was punished in the kind; for the diversities of languages have imprisoned fame ever since. As for the pyramids, the colosses, the number of temples, colleges, bridges, aqueducts, castles, theatres, palaces, and the like, they may show us that men ever mistrusted any other way to fame than this only, of works and monuments. Yea even they which had the best choice of other means. Alexander did not think his fame so engraven in his conquests, but that he thought it further shined in the buildings of Alexandria. Augustus Cæsar thought no man had done greater things in military actions than himself, yet that which at his death ran most in his mind was his building, when he

<sup>1</sup> named in original.<sup>2</sup> so in original.

said, not, as some mistake it, metaphorically, but literally, *I found the city of brick but I leave it of marble*. Constantine the Great was wont to call with envy the Emperor Trajan, *wallflower*, because his name was upon so many buildings; which notwithstanding he himself did embrace in the new founding of Constantinople, and sundry other buildings; and yet none greater conquerors than these two. And surely they had reason; for the fame of great actions is like to a landflood which hath no certain head or spring; but the memory and fame of buildings and foundations hath, as it were, a fountain in an hill, which continually feedeth and refresheth the other waters. Neither do I, excellent Prince, restrain my speeches to dead buildings only, but intend it also to other foundations, institutions, and creations; wherein I presume the more to speak confidently, because I am warranted herein by your own wisdom, who have made the first-fruits of your actions of state to institute the honorable Order of the Helmet; the less shall I need to say, leaving your Excellency not so much to follow my advice as your own example.

THE FOURTH COUNSELLOR, ADVISING ABSOLUTENESS OF  
STATE AND TREASURE.

Let it not seem pusillanimity for your Excellency, mighty Prince, to descend a little from your high thoughts to a necessary consideration of your own estate. Neither do you deny, honorable Lords, to acknowledge safety, profit, and power to be of the substance of policy and fame and honor rather to be as flowers of well ordered actions than as good ends.<sup>1</sup> Now if you examine the courses propounded according to these respects, it must be confessed that the course of wars may seem to increase power, and the course of contemplations and foundations not prejudice safety. But if you look beyond the

<sup>1</sup> *guides in original.*



exterior you shall find that the first breeds weakness and the latter nurse<sup>1</sup> peril. For certain it is during wars your Excellency will be enforced<sup>2</sup> to your soldiers and generally to your people, and become less absolute and monarchical than if you reigned in peace; and then if your success be good, that you make new conquests, you shall be constrained to spend the strength of your ancient and settled provinces to assure your new and doubtful, and become like a strong man that by taking a great burden upon his shoulders maketh himself weaker than he was before. Again, if you think you may intend<sup>3</sup> contemplations with security, your Excellency will be deceived; for such studies will make you retired and disused with your business, whence will follow a diminution<sup>4</sup> of your authority. As for the other point, of erecting<sup>5</sup> in every part of your state something new derived from yourself, it will acquaint your Excellency<sup>6</sup> with an humor of innovation and alteration, which will make your reign very turbulent and unsettled; and many times your change will be for {the} worse, as in the example last touched of Constantine, who by his new translation of his estate ruined the Roman Empire. As for profit, there appeareth a direct contrariety between that and all the three courses; for nothing causeth such a dissipation of treasure as wars, curiosities, and buildings; and for all this to be recompensed in a supposed honor, a matter apt to be much extolled in words, but not greatly to be prized<sup>7</sup> in conceipt, I do think it a loser's bargain. Besides that many politic princes have received as much commendation for their wise and well-ordered government as others have done for their conquests and glorious affections; and more worthy, because the praise of wisdom and judgment is less communicated with fortune.

<sup>1</sup> note in original

<sup>2</sup> note in original

<sup>3</sup> not end. in original

<sup>4</sup> addition in original

<sup>5</sup> correcting.

<sup>6</sup> So in original. Perhaps it should be, "your Excellency's subjects."

<sup>7</sup> printed in original

Therefore, excellent Prince, be not transported with shows. Follow the order of nature, first to make the most of that you possess, before you seek to purchase more. To put the case by a private man (for I cannot speak high), if a man were born to an hundred pounds by the year, and one show him how with charge to purchase an hundred pounds more, and another should show him how without charge to raise that hundred pounds unto five hundred pounds, I should think the latter advice should be followed. The proverb is a country proverb, but significative, *Milk the cow that standeth still; why follow you her that glieth away?* Do not think, excellent Prince, that all the conquests you are to make be foreign. You are to conquer here at home the overgrowing of your grandes in factions, and too great libertie of your people: the great reverence and formalities given to your laws and customs, in derogation of your absolute prerogatives: these and such-like be conquests of state, though not of war. You want a Joseph, that should by advice make you the only proprietor of all the lands and wealth of your subjects. The means how to strain up your sovereignty, and how to accumulate treasure and revenue, they are the secrets of your state; I will not enter into them at this place: I wish your Excellency as ready to [desire] them, as I have the means ready to perform them.

THE FIFTH COUNSELLOR, ADVISING HIM VIRTUE AND  
A GRACIOUS GOVERNMENT.

MOST EXCELLENT PRINCE, — I have heard sundry plats and propositions offered unto you severally: one to make you a great Prince, another to make you a strong Prince, and another to make you a memorable Prince, and a fourth to make you an absolute Prince. But I hear of no invention<sup>1</sup> to make you a good and a virtuous Prince;

<sup>1</sup> mention in original.

which surely my Lords have left out in discretion, as to arise of your own motion and choice; and so I should have thought, had they not handled their own propositions so artificially and persuasively, as doth assure me their speech was not formal. But most worthy Prince, fame is too light, and profit and surety are too low, and power is either such as you have or ought not so to seek to have. It is the meriting of your subjects, the making of golden times, the becoming of a natural parent to your state; these are the only [fit] and worthy ends of your Grace's virtuous reign. My Lords have taught you to refer all things to yourself, your greatness, memory, and advantage; but wherunto shall yourself be referred? If you will be heavenly you must have influence. Will you be as a standing pool, that spendeth and choketh his spring within itself, and hath no streams nor current to bless and make fruitful whole tracts of countries whereby it runneth?<sup>1</sup> Wherefore, first of all, most virtuous Prince, assure yourself of an inward peace, that the storms without do not disturb any of your repairers of state within. Therein use and practice all honorable diversions. That done, visit all the parts of your state, and let the balm distil everywhere from your sovereign hands, to the medicinung of any part that complaineth. Beginning with your seat of state, take order that the faults of your great ones<sup>2</sup> do not rebound upon yourself; have care that your intelligence, which is the light of your state, do not go out or burn dim or obscure; advance men of virtue and not of mercenary minds; repress all faction be it either malign or violent. Then look into the state of your laws and justice of your land; purge out multiplicity of laws, clear the incertainty of them, repeal those that are snaring, and press<sup>3</sup> the execution of those that are wholesome and necessary; define the jurisdiction of your courts, repress<sup>4</sup> all suits and vexations, all causeless

<sup>1</sup> *reneweth* in original.<sup>2</sup> *prize* in original.<sup>3</sup> *fault of your greatness* in original.<sup>4</sup> *repress* in original.

delays and fraudulent shifts and devices, and reform all such abuses of right and justice; assist the ministers thereof, punish severely all extortions and exactions of officers, all corruptions in trials and sentences of judgment. Yet when you have done all this think not that the bridle and spur will make the horse to go alone without time and custom. Trust not to your laws for correcting the times, but give all strength to good education; see to the government of your universities and all seminaries of youth, and to<sup>1</sup> the private order of families, maintaining due obedience of children towards their parents and reverence of the younger sort towards the ancient. Then when you have confirmed the noble and vital parts of your realm of state, proceed to take care of the blood and flesh and good habit of the body. Remedy all decays of population, make provision for the poor, remove all stops in traffic, and all cankers<sup>2</sup> and causes of consumption in trades and mysteries; redress all — But whither do I run, exceeding the bounds of that perhaps I am now demanded? But pardon me, most excellent Prince, for as if I should commend unto your Excellency the beauty of some excellent Lady, I could not so well express it with relation as if I showed you her picture; so I esteem the best way to commend a virtuous government, to describe and make appear what it is; but my pencil perhaps disgraceth it; therefore I leave it to your Excellency to take the picture out of your wise observation, and then to double it and express it in your government.

THE SIXTH COUNSELLOR, PERSUADING PASTIMES AND SPORTS.

When I heard, most excellent Prince, the three first of my Lords so careful to continue your fame and memory, methought it was as if a man should come to some

<sup>1</sup> of in original

<sup>2</sup> cankers in original.

young prince as yourself is, and immediately after his coronation be in hand with him to make himself a sumptuous and stately tomb. And, to speak out of my soul, I muse how any of your servants can once endure to think of you as of a prince past. And for my other Lords who would engage you so deeply in matters of state, the one perswading you to a more absolute, the other to a more gracious government, I assure your Excellency their lessons were so cumbersome, as if they would make you a king in a play, who, when one would think he standeth in great majesty and felicity, he is troubled to say his part. What ! nothing but tasks, nothing but working-days ? No feasting, no music, no dancing, no triumphs, no comedies, no love, no ladies ? Let other men's lives be as pilgrimages, because they are tied to divers necessities and duties ; but princes' lives are as progresses, dedicated only to variety and solace. And [as] if your Excellency should take your barge in a summer evening, or your horse or chariot, to take the air ; and if you should do any the favor to visit him ; yet your pleasure is the principal, and that is but as it falleth out ; so if any of these matters which have been spoken of fall out in the way of your pleasure, it may be taken, but no otherwise. And therefore leave your wars to your lieutenants, and your works and buildings to your surveyors, and your books to your universities, and your state-matters to your counsellors, and attend you that in person which you cannot execute by deputy : use the advantage of your youth ; be not sullen to your fortune ; make your pleasure the distinction of your honors, the study of your favorites, the talk of your people, and the allurements of all foreign gallants to your Court. And in a word, sweet Sovereign, dismiss your five counsellors, and only take counsel of your five senses.<sup>1</sup>

<sup>1</sup> There follows here, in the narrative from which this is taken, a reply from the Prince, which reads to me like an interpolation. It interrupts the action,

THE PRINCE'S ANSWER AND CONCLUSION TO THE  
SPEECHES OF THE COUNSELLORS.

MY LORDS, — We thank you for your good opinions; which have been so well set forth, as we should think ourselves not capable of good counsel if in so great variety of perswading reasons we should suddenly resolve. Meantime it shall not be amiss to make choice of the last, and upon more deliberation to determine of the rest; and what time we spend in long consulting, in the end we will gain by prompt and speedy executing.

"The Prince (proceeds the reporter) having ended his speech, arose from his seat and took that occasion of revelling. So he made choice of a Lady to dance withal; so likewise did the Lord Ambassador, the Pensioners, and Courtiers attending the Prince. The rest of that night was passed in those pastimes. The performance of which night's work being very carefully and orderly handled, did so delight and please the nobles and the other auditory, that thereby Gray's Inn did not only recover their lost credit and quite take away all the disgrace that the former Night of Errors had incurred; but got instead thereof so great honor and applause as either the good reports of our honorable friends that were present could yield, or we ourselves desire."

Thus ended one of the most elegant Christmas entertainments, probably, that was ever presented to an audience of statesmen and courtiers. That Bacon had a hand in the general design is merely a conjecture; we know that he had a taste in such things, and did somewhat in inferior style. It may have been spoken extempore by the Prince, but can hardly have been part of the composition. It runs thus: "But if a man should follow your live senses" said the Prince. "I perceive your night talk = your Lordship now and then into an inconvenience. Your Lordship is a master of a very lively and pleasant advice, which though one should not be forward to follow, yet it stirs the sense, and what our own humor will not afford me to, delight and merriment. For a prince should be of a cheerful and pleasant spirit, not a sad, hard-hearted, and dismal, but, after serious affairs, admitting recreation, and using pleasures as sauces for merriment better nourishment."

times take a part in arranging them ; and the probability seemed strong enough to justify a more detailed account of the whole evening's work than I should otherwise have thought fit. But that the speeches of the six councillors were written by him, and by him alone, no one who is at all familiar with his style either of thought or expression will for a moment doubt. They carry his signature in every sentence. And they have a much deeper interest for us than could have been looked for in such a sportive exercise belonging to so forgotten a form of idleness. All these councillors speak with Bacon's tongue and out of Bacon's brain ; but the second and fifth speak out of his heart and judgment also. The propositions of the latter contain an enumeration of those very reforms in state and government which throughout his life he was most anxious to see realized. In those of the former may be traced, faintly but unmistakably, a first hint of his great project for the restoration of the dominion of knowledge, — a first draft of "Solomon's House," — a rudiment of that history of universal nature, which was to have formed the third part of the "Instauratio," and is in my judgment (as I have elsewhere explained at large) the principal novelty and great characteristic feature of the Baconian philosophy. This composition is valuable, therefore, not only as showing with what fidelity his mind when left to itself pointed always, in sport as in earnest, towards the great objects which he had set before him, but also as giving us one of the very few certain *dates* by which we can measure the progress of his philosophical speculations in these early years.

It remains for me to give what account I can of the narrative in which it is preserved.

It is a quarto pamphlet of sixty-eight pages ; printed in 1685, for "W. Canning, at his shop in the Temple Cloisters ;" with a dedication to Matthew Smyth, Esq., Comptroller of the Inner Temple ; apparently from a manu-



script written by some member of Gray's Inn who was an eye-witness of what he relates; and bearing the title "*Gesta Grayorum, or the History of the high and mighty Prince, Henry, Prince of Purpoole, etc., who reigned and died A. D. 1594.*" Whom it was by, where and when it was found, how it came into the publisher's hands, we are not informed. We can only gather from the dedication that it was found by accident, and printed without alteration. The dedication is signed W. C., which stands, I presume, for W. Canning, the printer. But Nichols, who reprinted the pamphlet (without the dedication) in his "*Progresses of Queen Elizabeth*" (III. 262), tells us that "the publisher was Mr. Henry Keepe, who published the '*Monuments of Westminster.*'"

It is a pity that the publisher, whoever he was, did not tell us a little more about the manuscript, though it is probable enough that he had not much more to tell. Nothing is more natural than that such a narrative should have been written at the time for the amusement and satisfaction of the parties concerned; should have been laid by and forgotten; and found again lying by itself, without anybody to tell its story for it.

There is more of it; the historian proceeding to record other achievements of the Prince of Purpoole, whose reign was prolonged beyond the days of ordinary license, and did not end before Shrove Tuesday. But I look in vain for any further traces of Bacon's hand. His Christmas holidays were over; Gray's Inn Hall was stripped of its scaffoldings and regal furniture; the business of real life commenced again; and the business which most concerned him was the appointment of a Solicitor General, which still seemed as near, and was still as far off, as ever. But the suit takes a somewhat livelier aspect from the closer proximity into which it brings us with the Queen herself, as will be seen in the next chapter.

## CHAPTER VII.

A. D. 1594-1595, JANUARY - NOVEMBER. *ÆTAT.* 34.

WHILE Bacon's friends were doing what they could to speed this unfortunate suit, he was himself considering how to make an end of it, one way or another. He had made up his mind, in case he were not appointed Solicitor at the beginning of the next term, to give up the suit and the profession at once, to waste no more of his time and means in that attendance, but to make such arrangements as he best might for betaking himself to the life of a student; and in the first place to go abroad for awhile. This is what he had half-determined to do some twenty months before, just before the Attorney Generalship fell vacant; when he was persuaded to wait awhile, probably by Essex; to whom it seems that he now declared his intention to wait no longer, but do it at once. Essex, judging rightly enough that the Queen did not intend to lose Bacon altogether, thought to bring matters to a crisis by telling her what would happen if she delayed longer: a characteristic but unlucky move; for it was a kind of challenge which her spirit could never endure. On Tuesday, January 21, Bacon was sent for to the Court; and on Saturday sent his brother the following account of what passed.

The passage about his brother's "travels" alludes to his study of the affairs of Europe during ten years' residence abroad, the acquaintances he had cultivated, the information which he had supplied to Burghley and Walsingham, and the extensive correspondence which he still

kept up; in consideration of which it was hoped that the Queen would find some employment for him in that line.

GOOD BROTHER, — Since I saw you this hath passed.

Tuesday, though sent for, I saw not the Queen. Her Majesty alleged she was then to resolve with her Counsel upon her places of law.

But this resolution was *ut supra*; and note the rest of the counsellors were persuaded she came rather forwards than otherwise. For against me she is never peremptory but to my Lord of Essex.

I missed a letter of my Lord Keeper's; but thus much I hear otherwise.

The Queen seemeth to apprehend my travel; whereupon I was sent for by Sir Robert Cecil in sort as from her Majesty; himself having of purpose immediately gone to London to speak with me, and not finding me there, he wrote to me. Whereupon I came to the Court, and upon his relation to me of her Majesty's speech, I desired leave to answer it in writing; not I said that I mistrusted his report but mine own wit; the copy of which answer I send; we parted in kindness *secundum exterius*.

This copy you must needs return; for I have no other; and I wrote this by memory after the original sent away.

The Queen's speech is after this sort. Why? I have made no Solicitor. Hath anybody carried a Solicitor with him in his pocket? But he must have it in his own time (as if it were but yesterday's nomination) or else I must be thought to cast him away. Then her Majesty sweareth that if I continue this manner, she will seek all England for a Solicitor rather than take me. Yea she will send for Houghton and Coventry<sup>1</sup> to-mor-

<sup>1</sup> Thomas Coventry, afterwards one of the Justices of the Common Pleas, and father of the Lord Keeper Coventry. — BINNIE

row next (as if she would swear them both). Again she entereth into it, that she never dealt so with any as with me (*in hoc erratum non est*); she hath pulled me over the bar (note the words, for they cannot be her own), she hath used me in her greatest causes. But this is Essex; and she is more angry with him than with me; and such-like speeches, so strange, as I should leese myself in it, but that I have cast off the care of it.

My conceit is, that I am the least part of mine own matter. But her Majesty would have a delay, and yet would not bear it herself. Therefore she giveth no way to me, and she perceiveth her counsel giveth no way to others, and so it sticketh as she would have it. But what the secret of it is *oculus aquilæ non penetravit*.

My Lord<sup>1</sup> continueth on kindly and wisely a course worthy to obtain a better effect than a delay, which to me is the most unwelcome condition.

Now to perform the part of a brother and to render you the like kindness, Advise you whether it were not a good time to set in strongly with the Queen to draw her to honor your travels. For in the course I am like to take, it will be a great and a necessary stay to me, besides the natural comfort I shall receive. And if you will have me deal with my Lord of Essex, or otherwise break it by mean to the Queen, as that which shall give me full contentment, I will do it as effectually and with as much good discretion as I can. Wherein if you aid me with your direction, I shall observe it. Thus as I did ever account it sure and certain to be accomplished in case myself had been placed, and therefore deferred it till then as to the proper opportunity; so now that I see such delay in mine own placing, I wish *ex animo* it should not expect.

<sup>1</sup> Rich at first called 'My Lord' to mean Essex, and put the name in the margin. I rather suspect that Burghley is meant.

I pray let me know what mine uncle Killigrew will do.<sup>1</sup> For I must now be more careful of my credit than ever, since I receive so little thence where I deserved best. And to be plain with you, I mean even to make the best of those small things I have with as much expedition as may be without loss; and so sing a mass of *requiem* I hope abroad; for I know her Majesty's nature, that she neither careth though the whole surname of the Bacons travelled, nor of the Cecils neither.

I have here an idle pen or two, specially one that was cozened, thinking to have gotten some money this term; I pray send me somewhat else for them to write out besides your Irish collection, which is almost done. There is a collection of Dr. James of foreign states, largeliest of Flanders, which, though it be no great matter, yet I would be glad to have it. Thus I commend you to God's good preservation. From my lodge at Twickenham Park, this 20th of January, 1694.

Your entire loving brother,

FR. BACON.

LETTER TO SIR R. CECIL, ENCLOSED IN THE LAST.

SIR, — Your Honor may remember that upon your relation of her Majesty's speech touching my travel, I asked leave to make answer in writing; not but<sup>2</sup> I knew then what was true; but because I was careful to express it without doing myself wrong. And it is true I had then opinion to have written to her Majesty. But since, weighing with myself that her Majesty gave no ear to the motion made by yourself that I might answer it by mine own attendance, I began to doubt the second degree, whether it might not be taken for presumption in me to write to her Majesty; and so resolved that it was best for me to follow her Majesty's own way in committing it to your report.

<sup>1</sup> Relating to the borrowing of money.

<sup>2</sup> But because in MS.; no doubt the transcriber's error.

It may please your Honor therefore to deliver to her Majesty, first, that it is an exceeding grief to me that any, not motion (for there was not now a motion), but mention that should come from me should offend her Majesty, whom for these one-and-twenty years (for so long it is<sup>1</sup> that I kissed her Majesty's hands upon my journey into France) I have used the best of my wits to please.

Next, mine answer standing upon two points, the one, that this mention of travel to my Lord of Essex was no present motion, suit, or request; but casting the worst of my fortune with an honorable friend that had long used me privately, I told his Lordship of this purpose of mine to travel, accompanying it with these very words, that upon her Majesty's rejecting me with such circumstance, though my heart might be good yet mine eyes would be sore that I should take no pleasure to look upon my friends; for that I was not an impudent man, that could face out a disgrace; and that I hoped her Majesty would not be offended, if not being able to endure the sun, I fled into the shade.

The other, that it was more than this; for I did expressly and particularly (for so much wit God then lent me) by way of caveat restrain my Lord's good affection that he should in no wise utter or mention this matter till her Majesty had made a Solicitor; wherewith (now since my looking upon your letter) I did in a dutiful manner challenge my Lord, who very honorably acknowledged [it],<sup>2</sup> seeing he did it for the best; and therefore I leave his Lordship to answer for himself.

All this my Lord of Essex can testify to be true; and I report me to yourself, whether at the first, when I desired deliberation to answer, yet nevertheless said I would

<sup>1</sup> A mistake. "Sir Amice Paulett landed at Calais, going to be ambassador to France in place of Dr. Dale, 16th September, 1576." See Burghley's Diary. It was not so much as eighteen years and a half.

<sup>2</sup> This word set on off. The next is probably miscopied, and should be saying.

to you privately declare what had passed. I said not in effect so much. The conclusion shall be, that wheresoever God and her Majesty shall appoint me to live, I shall truly pray for her Majesty's preservation and felicity. And so I humbly commend me to you,

Your poor kinsman to do you service,

FR. BACON.

Bacon was not yet to be relaxed. He could not have gone abroad without a license from the Queen, and as things stood he could not well have applied for one; certainly would not have got it except at the cost of seriously displeasing her. He travelled no further than his favorite retreat at Twickenham, which appears however to have been enough for his health of mind and body; for on the 7th of March his brother reports to Lady Bacon that he "has not seen him looking better." But the Solicitorship not having been filled up during the term, and Essex being still determined that he should have it, the canvassing time was not over yet. As Easter Term approached, preparations were to be made for another fight among the rival patrons, and Bacon had to reappear in the old part, of which how weary he was all his letters written at that time might be cited to prove.

But he writes to Burghley under a feeling of ceremonious restraint, to Sir Robert Cecil in an outbreak of impatience, to his brother as to one who already know all he felt, and shared all his feelings. It is interesting therefore to know how he expresses himself to a familiar but not very intimate friend. The following letter to Foulke Greville belongs apparently to this spring, and represents his condition in a very lively and natural manner.

TO FOULKE GREVILLE.

SIR, — I understand of your pains to have visited me, for which I thank you. My matter is an endless question. I assure you I had said *Requiesce anima mea*; but



I now am otherwise put to my psalter : *Nolite confidere*. I dare go no further. Her Majesty had by set speech more than once assured me of her intention to call me to her service ; which I could not understand but of the place I had been named to. And now whether *invidus homo hoc fecit* ; or whether my matter must be an appendix to my Lord of Essex suit ; or whether her Majesty, pretending to prove my ability, meaneth but to take advantage of some errors which, like enough, at one time or other I may commit ; or what it is ; but her Majesty is not ready to dispatch it. And what though the Master of the Rolls, and my Lord of Essex, and yourself, and others, think my case without doubt, yet in the mean time I have a hard condition, to stand so that whatsoever service I do to her Majesty, it shall be thought to be but *servitium piscatum*, lime-twigs and fetters to place myself ; and so I shall have envy, not thanks. This is a course to quench all good spirits, and to corrupt every man's nature ; which will, I fear, much hurt her Majesty's service in the end. I have been like a piece of stuff bespoke in the shop ; and if her Majesty will not take me, it may be the selling by parcels will be more gainful. For to be, as I told you, like a child following a bird, which when he is nearest flieth away and lighteth a little before, and then the child after it again, and so *in infinitum*, I am weary of it ; as also of wearying my good friends ; of whom, nevertheless, I hope in one course or other gratefully to deserve. And so, not forgetting your business, I leave to trouble you with this idle letter, being but *justa et moderata querimonia* : for indeed I do confess, *primus amor* will not easily be cast off. And thus again I commend me to you.

Towards the end of May, 1595, he thought the chase was at end ; retired to Twickenham with the feeling of a man "enlarged from some restraint ;" and wrote a short

letter to Lord Keeper Puckering which his Lordship docketed "Mr. Fr. Bacon, his contentation to leave the Solicitorship." But Easter Term ended as it began, the place being still unsupplied, and the Queen's mind apparently not made up either way. Burghley had been ill and had to keep his house; confined, I suppose, by one of his frequent attacks of gout; and she had been to visit him there, probably to consult him about the appointment. He mentioned Bacon. In the conversation which ensued it came out that his old offense in the affair of the money-bill in 1592-93, was still uppermost in her mind. And I suppose that this was after all the real impediment which stood in his way. It cannot be denied indeed (as I said before) that if she had reason to resent his conduct in that matter at all, she had reason to persevere in resenting it. For certainly he had neither said nor done anything to atone for it, or to imply that in a similar case he would not do the same again. If an offense at all, it was an offense not yet repented of. And I can well imagine that Elizabeth, though she would otherwise have been glad to promote him, and was in fact glad to employ him, had said to herself that until he showed a proper sense of the offense he had committed, he should not be an officer of hers. It does not appear, however, that she had yet held out hopes to any one else; and it may be that when she reminded Burghley of the old grievance, she meant it for a hint that there was still a *locus penitentiae*, and that the penitence had still to be exhibited. Burghley, it seems, told Bacon where the obstruction lay. But on that point he had already given the only explanation he had to give, and could only repeat in substance what he had said two years before.

How she took it we do not know, but she employed him the next term on Star-Chamber business, and it was not till near the middle of October that she finally resolved the place to another. In what spirit Bacon ac-

cepted the decision we learn from the following letter to the Lord Keeper:—

IT MAY PLEASE YOUR GOOD LORDSHIP,

I conceive the end already made, which will I trust be to me a beginning of good fortune, or at least of content. Her Majesty by God's grace shall live and reign long. She is not running away, I may trust her. Or whether she look towards me or no, I remain the same, not altered in my intention. If I had been an ambitious man, it would have overthrown me. But minded as I am, *revertet benedictio mea in sinum meum*. If I had made any reckoning of anything to be stirred, I would have waited on your Lordship, and will be at any time ready to wait on you to do you service. So I commend your good Lordship to God's holy preservation. From Twickenham Park, this 14th of October.

Your Lordship's most humble

at your hon. commandments,

FR. BACON.

At last then the chase was really at an end. The Queen had finally resolved that Bacon should not be her Solicitor General, and on the 5th of November following, Serjeant Fleming received the patent of the office. It does not appear however that the resolution was brought on by any new offense given either by Bacon or Essex, or by any fresh distaste conceived by the Queen. Rather, I think, it was the end of that long displeasure. In the beginning of March, 1592-93, he had done a thing which Elizabeth did not choose persons in her service to do. As a member of the House of Commons representing Middlesex, he had taken a leading part in a movement which was certainly opposed to the wishes of the Government and ended (if my interpretation of the proceedings be correct) in the defeat of a project for getting rid of one of the most important privileges of the Lower House,—

most important to them and by consequence most inconvenient in many cases to the Crown. He was a young man, however, of unquestioned and most affectionate loyalty, attached to the Crown by all ties both of interest and feeling; and he might see his error and make amends. Reward and punishment lay before him month after month, and year after year, and he was still free to choose. The Attorney Generalship was kept vacant for a year; during which it was twice at least intimated to him, that his conduct in Parliament was the thing which stood most in his way. When the Attorney Generalship was filled up, the Solicitorship was kept vacant for a year and a half, during which the same intimation was once at least conveyed to him. But all this time he had shown no symptom of repentance, — no consciousness even of having done anything wrong. In April, 1593, all he had to say was that he had said nothing but what he thought it his duty to say; and in June, 1595, he had nothing to add in the way of excuse, except that the points in which he had opposed the Government proposition were only "circumstances of time and manner," and that "variety is allowed in counsel as a discord in music, to make it more perfect." Upon this point then it seemed that he was incorrigible; he could not see, or would not own, his fault; and he must take the consequences. But Elizabeth, though she could not bring herself to pardon such an offense, was not the less likely to feel respect for such an offender. And it seems that she was willing to let the final rejection of his suit for the Solicitorship pass for a full quitance, and allow the cloud which had so long hung upon her countenance to clear away.

To the Earl of Essex the decision was in every way a mortification. He felt his friend's disappointment as his own; his whole credit for influence at Court had been notoriously staked upon success in this suit; and such a

friend in such an office would have been a material support to him ; so that it was a real loss to him in all respects. And if he was not yet convinced that his method of dealing with the Queen was unwise, he must at least have felt keenly that it had been in this case unlucky, and that Bacon had always disapproved of it, and warned him what it would come to. So deeply indebted as the Bacons were to him for his endeavors in this matter, they could not of course criticize the manner of them : but we know that in the management of his own affairs it was a point on which he and Bacon always "directly and contradictorily differed ;" and when Lady Bacon said that "though the Earl showed great affection yet he marred all with violent courses," there can be little doubt now that she made a true judgment. In the account between him and Bacon the obligation was not all on one side. Bacon owed him much for his friendship, trust, and eager endeavors to serve him. He owed Bacon much not only for affection and zeal, but for time and pains gratuitously spent in his affairs. These he had done his best to requite in the best way, namely, by advancing him in his profession ; but having failed, he (not unnaturally) desired to make him some reparation. And this he accordingly did with characteristic ardor and generosity. Of the particulars of the transaction, and indeed of the transaction itself, our only information is derived from Bacon's own narrative, published nine years after. And as subsequent events give it a peculiar importance, I shall quote at length all that relates to it.

"After the Queen had denied me the Solicitor's place, for the which his Lordship had been a long and earnest suitor on my behalf, it pleased him to come to me from Richmond to Twickenham Park, and brake with me, and said, 'Master Bacon, the Queen hath denied me yon place for you, and hath placed another ; I know you are the least part of your own matter, but you fare ill be-

cause you have chosen me for your mean and dependence: you have spent your time and thoughts in my matters: I die (these were his very words) if I do not somewhat towards your fortune: you shall not deny to accept a piece of land which I will bestow upon you.' My answer I remember was, that for my fortune it was no great matter, but that his Lordship's offer made me to call to mind what was wont to be said when I was in France of the Duke of Guise, that he was the greatest usurer in France, because he had turned all his estate into obligations; meaning that he had left himself nothing, but only had bound numbers of persons to him. 'Now, my Lord,' said I, 'I would not have you imitate his course, nor turn your state thus by great gifts into obligations, for you will find many bad debtors.' He bade me take no care for that, and pressed it: whereupon I said, 'My Lord, I see I must be your homager and hold land of your gift: but do you know the manner of doing homage in law? Always it is with a saving of his faith to the king and his other lords: and therefore, my Lord' (said I), 'I can be no more yours than I was, and it must be with the ancient savings: and if I grow to be a rich man, you will give me leave to give it back to some of your unrewarded followers.' "

The end was that the Earl "enfeoffed" Bacon "of land," which he afterwards "sold for £1,500, and thought was more worth." The land in question is said (probably enough, though on no better authority, so far as I know, than Bushell, upon whose authority I do not myself believe anything) to have been in Twickenham Park, a piece, perhaps, adjoining Bacon's lodge there. It was certainly at this time that he received from the Crown a lease of certain lands at Twickenham, for twenty-one years, dating from Michaelmas, 1624, upon the same terms on which they had formerly been held by Edward Bacon, and were then held by one Milo Dodding; viz. a

rent of twelve guineas a year. It was granted, however, in consideration of the services and at the suit of one Ralph Fletcher — “unum Valett’ de le Vestrie in Hospitio nostro” — of whose relations with Bacon and interest in the matter we know nothing; and probably formed part of a transaction of which the history has not been preserved. The grant of the reversion of the lease is dated the 17th of November, 1595;<sup>1</sup> and, however he came by it, was a thing of value, upon the security of which money could be raised. In the mean time the transfer of the lease to a stranger did not interfere with his occupation, for he continued to reside at Twickenham Park as before.

As I find that the Court was at Richmond from the 20th of October, 1595, to the 5th of November, or thereabouts, I suppose this conversation took place within that period: perhaps after the Queen’s resolution had been taken, and before the place had been actually given to Fleming. The next letter, which comes from Rawley’s supplementary collection and has no date, may have been written a few days after, when everything was settled; and the last sentence may have reference to the munificent present for which Bacon had already made his acknowledgments in the manner above reported.

#### TO MY LORD OF ESSEX.

IT MAY PLEASE YOUR GOOD LORDSHIP, — I pray God her Majesty’s weighing be not like the weight of a balance; *gravia deorsum, levia sursum*. But I am as far from being altered in devotion towards her, as I am from distrust that she will be altered in opinion towards me, when she knoweth me better. For myself, I have lost some opinion, some time, and some means: this is my account: but then for opinion, it is a blast that goeth and cometh; for time, it is true it goeth and cometh not; but yet I have learned that it may be redeemed.

<sup>1</sup> See a copy of the patent in Innes’s *Personal History of Lord Bacon*, p. 359.



For means, I value that most; and the rather, because I am purposed not to follow the practice of the law: (If her Majesty command me in any particuler, I shall be ready to do her willing service :) and my reason is only, because it drinketh too much time, which I have dedicated to better purposes. But even for that point of estate and means, I partly lean to Thales' opinion, That a philosopher may be rich if he will. Thus your Lordship seeth how I comfort myself; to the increase whereof I would fain please myself to believe that to be true which my Lord Treasurer writeth; which is, that it is more than a philosopher morally can digest. But without any such high conceit, I esteem it like the pulling out of an aching tooth, which, I remember, when I was a child and had little philosophy, I was glad of when it was done. For your Lordship, I do think myself more beholding to you than to any man. And I say, I reckon myself as a *common* (not popular, but *common*); and as much as is lawful to be enclosed of a common, so much your Lordship shall be sure to have.

Your Lordship's, to obey your honorable commands,  
more settled than ever.

The remarkable sentence with which this letter concludes, I cannot understand otherwise than as a warning, similar to that with which the conversation at Twickenham concluded, and suggested by some apprehension that Essex might misunderstand the nature of the relation between them, and expect from Bacon a devotion incompatible with his devotion to the State, which had the first claim upon him. "I can be no more yours than I was: it must be with the ancient savings — that is, of faith to the king and his other lords." I am but "as a common;" you can have for your own share only "so much as is lawful to be enclosed:" that is, I can only offer you such services as can be lawfully rendered by one whose chief

service is due to the State. It is true that Essex was still a loyal subject, and that all the objects of his personal ambition lay as yet within the limits of patriotism and duty. But he had already engaged deeply in a game very dangerous to play at with such a nature as the Queen's. The history of his relation with the Court is a history of quarrels and reconciliations, provocations given and forgiven, the liberties of a spoiled child with a mother, whose affection though mortified and irritated cannot afford to sacrifice him; each victory emboldening him to repeat the same experiment, without considering that patience has its limits, and that every successive strain put upon the affection leaves it less able to endure another. It was a point in which Bacon had always thought Essex in the wrong, and told him what would come of it. But though he listened, he was not convinced; and it seems to me that Bacon had already begun to fear that these repeated trials of the Queen's affection (there being, I fancy, not much real affection on Essex's part to temper provocations on his side) might end at last in some fatal alienation. I do not doubt that Essex's benefaction looked to the past and not to the future, and was bestowed out of the frank generosity of a nature in that respect truly noble, without any thought of conditions or requitals. But it was not the less desirable to remind him that he was dealing with one whose duty was preëngaged, and who could have nothing to do with any factious dependence. And such a warning was naturally suggested by the condition of the times, which were full of serious alarms. At that very time the news from Ireland was very bad, and great offensive preparations were known to be making by Spain, which it was thought might issue in another Armada this very autumn.

For the present, however, the differences which had been between Essex and the Queen, and which had lately looked very serious, cleared suddenly away, leaving fairer

weather than ever. A book on the forbidden subject of the succession had appeared in Holland, with a dedication to Essex as the man who, in respect of "nobility, calling, favor with his prince, and high liking of the people," was likely to have most sway in deciding this great affair, etc. This book came into the Queen's hands, who showed it to Essex (3d November) in a manner which greatly disturbed him, and they say made him fall really ill. But the Queen coming to visit him, and being satisfied I suppose, that he had had nothing to do with it, made all fair again. And on the 12th of November the Court news was that "my Lord of Essex had put off the melancholy he fell into by a printed book delivered to the Queen; wherein the harm was meant him, by her Majesty's gracious favor and wisdom is turned to his good, and strengthens her love unto him; for I hear that within these four days many letters sent to herself from foreign countries were delivered only to my Lord of Essex, and he to answer them." And a few days after we find him adorning the triumphs of the Queen's day with a "device" in which Bacon had a principal hand.

These triumphs may be regarded as the conclusion of the long controversy — the celebration of the reinstatement of Essex in the Queen's full favor, and the expression of Bacon's unshaken devotion to her service, disappointments and discouragements notwithstanding, and of his earnest desire to keep these two spirits in tune with each other. For himself, he is free at last from the servitude of suitorship, though not released from court service, and otherwise much as he was; except that the piece of land which Essex has given him (very soon, I fancy, to be mortgaged for the best part of its value) will enable him to raise money enough to satisfy for awhile those creditors, whose increasing and I will not say unreasonable importunity was not the least among the anxieties which beset him.

## BOOK II.

### CHAPTER I.

A. D. 1595-1597. *ÆTAT.* 35-37.

So enormous were the results which Bacon anticipated from such a renovation of Philosophy as he had conceived the possibility of, that the reluctance which he felt to devote his life to the ordinary practice of a lawyer cannot be wondered at. But it is easier to understand why he was resolved not to do that, than what other plan he had to clear himself of the difficulties which were accumulating upon him, and to obtain means of living and working. A few years after (while he was still without any official place) I find him expressing a wish to "increase his practice," in the hope of making a fortune sufficient to retire upon; and I suppose he had found on trial that to give up the "ordinary practice of the law" was a luxury he could not afford. What course he betook himself to at the crisis at which we have now arrived, I cannot positively say. I do not find any letter of his, which can be probably assigned to the winter of 1595, nor have I met among his brother's papers with anything which indicates what he was about; more than a few notes relating to the satisfaction (or more generally the dissatisfaction) of creditors. I presume, however, that he betook himself to his studies. One of the loose sheets which I have printed under the title of "Formulae and Elegancies"<sup>1</sup> is dated January 27, 1595. About a twelve-

<sup>1</sup> *Complete Works*, vol. vii., p. 238.

month after, he printed the little volume containing the Essays in their first shape, the "Colors of Good and Evil," and the "Meditationes Sacræ." The dedicatory letter to the "Maxims of the Law" is dated January, 1596, and several of the *opuscula*, which were ultimately either incorporated into his philosophical works, or laid by as incomplete, may have been written at this period.

It was in the spring of 1596 that the Earl of Essex took a leading part in the memorable expedition against Spain, which issued in the taking of Cadix and the destruction of the fleet stationed there; a leading part not only in the action, but in the counsels which led to it. It would have been very interesting to know what Bacon thought of that enterprise when it was in project. But I have not met with any letter or other writing of his in which his opinion is stated: except so much of it as may be inferred from an expression in a letter of advice addressed to Essex some months after it was over; an expression which seems to imply that he had been, if not against the expedition itself, at least against the course which Essex had taken in regard to it. "And here, my Lord" (he writes), "I pray mistake me not. . . . I am infinitely glad of this last journey, *now it is past*: the rather because you make so honorable a full point for a time."

The project of an attack upon the coasts and fleet of Spain had been agitated in the winter, when fears were entertained of a new Spanish invasion; and Burghley is supposed to have been against it. It is not improbable that Bacon shared his apprehensions at that time; and there were reasons, no doubt, independent of the policy of the expedition itself, for the friends of Essex to be anxious as to the result. Though he had qualities which made him very popular as a leader, and showed a gallant spirit in particular actions, I cannot think that he was a

fit man to conduct military enterprises on a large scale. His plans and hopes were large and his self-confidence great, and where these meet there is always an imposing tale for those who cannot compare the means with the ends; but his judgment was no match for his imagination, and his strength of will was shown rather in overruling the reasons of those who differed from him than in patiently examining and steadily pursuing his own designs. In cases where his propositions were overruled by his colleagues, it may always be said that if they had been adopted they would have succeeded: but it cannot be affirmed that the actions in which he had the sole direction were the most successful, or most deserved success. It would even seem that though he pulled so hard against the rein, yet when his head was given him he did not always know which way to go. Impatient of authority and oppugnant to advice, he was ill fitted to act either under a superior or with colleagues. Placed so early in high command, he had had no schooling in his profession, — he had never been obliged, against his own judgment, to follow the course prescribed by maturer experience, and so to see the effect fairly tried; nor had he had opportunities enough of observing the consequences of his own mistakes. So that unless nature had given him some peculiar genius not only for leading soldiers, but for managing the movements of armies, he could hardly be considered a match for such a power as Spain under such a king as Philip II.

The fleet sailed from Plymouth with a favorable wind on the second of June, arrived at Cadiz on the 20th, and on the 21st performed one of the most brilliant day's works that was ever accomplished. "This journey" (Bacon wrote twenty six years after) "was like lightning. For in the space of fourteen hours the King of Spain's navy was destroyed and the town of Cadex taken. The navy was no less than fifty tall ships, besides twenty gal-

leys to attend them. The ships were straightways beaten, and put to flight with such terror as the Spaniards in the end were their own executioners, and fired them all with their own hands. The galleys, by the benefit of the shores and shallows, got away. The town was a fair, strong, well-built, and rich city; famous in antiquity, and now most spoken of for this disaster. It was manned with four thousand soldiers on foot, and some four hundred horse. It was sacked and burned, though great clemency was used towards the inhabitants. But that which is no less strange than the sudden victory, is the great patience of the Spaniards; who though we stayed upon the place divers days, yet never offered us any play then, nor never put us in suit by any action of revenge or reparation at any times after." <sup>1</sup>

Essex (to whom the successful assault upon the town as well as the measures taken to keep order and protect inoffensive persons from outrage were chiefly due) was urgent to follow up the advantage and endeavor to destroy the Indian fleet, then on its way homeward; but his colleagues would not risk it. So the fleet returned with its spoil and its honor; and Essex himself with an immense increase of favor with the people, and not a little of discontent with the Court. There seem to have been many charges and counter-charges; and much dispute about the division of the spoil, as well as who was entitled to the credit of what had been done, and who to blame for what had been left undone. Essex wrote some papers in justification of his own views, and was so little satisfied with the reception of his service, that he appears to have thought of keeping aloof from Court and Council, as he had so often done before on similar occasions. But news arriving that the homeward-bound Indian fleet, which he had proposed to wait for, had sailed safely into the Tagus within a day or two after his pro-

<sup>1</sup> *Considerations touching War with Spain, 1624.*



posal had been overruled in the Council of War, seemed to show that the rejection of his advice had in fact been the loss of a great prize : upon which his opponents were obliged to draw in their horns, and at the date of the letter which comes next all was fair weather between him and the Queen. The time was not however the less critical on that account, with a man who had so strong a love for glory and popularity, and so little patience with those who crossed him, and who had been so often successful in carrying his ends by the open expression of discontent. Enemies at Court he was sure to make, and the favor of the people and the army was a dangerous ally to meet them with, when the decision rested with such a queen as Elizabeth. It was at this juncture that Bacon wrote him a letter of advice, which, though of the most confidential character, and one which cannot have been intended for strange eyes, has been by some accident preserved. It comes from the supplementary collection in the "Resuscitatio," and therefore with Dr. Rawley's sanction as to genuineness; and we could hardly have better evidence as to the nature of Bacon's relation with Essex at this time, or of the policy which he wished him to pursue.

TO MY LORD OF ESSEX, FROM MR. BACON.

MY SINGULAR GOOD LORD, — I will no longer dis-  
sever part of that which I meant to have said to your  
Lordship at Barn-Elms from the exordium which I then  
made. Whereunto I will only add this: that I humbly  
desire your Lordship, before you give access to my poor  
advice, to look about, even jealously a little if you will,  
and to consider, first, whether I have not reason to think  
that your fortune comprehendeth mine. Next, whether  
I shift my counsel, and do not *constare mihi*; for I am  
persuaded there are some would give you the same coun-  
sel now which I shall, but that they should derogate

from that which they have said heretofore. Thirdly, whether you have taken hurt at any time by my careful and devoted counsel; for although I remember well your Lordship once told me that, you having submitted upon my well-meant motion at Nonsuch (the place where you renewed a treaty with her Majesty of obsequious kindness), she had taken advantage of it; yet I suppose you do since believe that it did much attemper a cold malignant humor then growing upon her Majesty towards your Lordship, and hath done you good in consequence. And for my being against it, now lately, that you should not estrange yourself, although I give place to none in true gratulation, yet neither do I repent me of safe counsel, neither do I judge of the whole play by the first act. But whether I counsel you the best, or for the best, duty bindeth me to offer to you my wishes. I said to your Lordship last time, *Martha, Martha, attendis ad plurimum, unum sufficit*: win the Queen: if this be not the beginning, of any other course I see no end. And I will not now speak of favor of affection, but of other correspondence and agreeableness; which, whosoever it shall be conjoined with the other of affection, I durst wager my life, (let them make what *prosopopæias* they will of her Majesty's nature,) that in you she will come to the question of *Quid sit homini, quem rex vult honorare?* But how is it now? A man of a nature not to be ruled; that hath the advantage of my affection, and knoweth it; of an estate not grounded to his greatness; of a popular reputation; of a military dependence: I demand whether there can be a more dangerous image than this represented to any monarch living, much more to a lady, and of her Majesty's apprehension? And is it not more evident than demonstration itself, that whilst this impression continueth in her Majesty's breast, you can find no other condition than inventions to keep your estate bare and low; crossing and disgracing your actions; extenuat-

ing and blasting of your merit ; carping with contempt at your nature and fashions ; breeding, nourishing, and fortifying such instruments as are most factious against you : repulses and scorn of your friends and dependents that are true and steadfast ; winning and inveigling away from you such as are flexible and wavering ; thrusting you into odious employments and offices, to supplant your reputation ; abusing you and feeding you with dalliances and demonstrations, to divert you from descending into the serious consideration of your own case ; yea and percase venturing you in perilous and desperate enterprises. Herein it may please your Lordship to understand me ; for I mean nothing less than that these things should be plotted and intended as in her Majesty's royal mind towards you : I know the excellency of her nature too well. But I say, wheresoever the formerly-described impression is taken in any King's breast towards a subject, these other recited inconveniences must, of necessity of politic consequence, follow : in respect of such instruments as are never failing about princes : which spy into their humors and conceits, and second them ; and not only second them, but in seconding increase them ; yea and many times, without their knowledge, pursue them further than themselves would. Your Lordship will ask the question, wherewith the Athenians were wont to interrupt their orators, when they exaggerated their dangers : *Quid igitur agendum est ?*

I will tell your Lordship *quæ mihi nunc in mentem veniunt* ; supposing nevertheless that yourself out of your own wisdom, upon the case with this plainness and liberty represented to you, will find out better expedients and remedies. I wish a cure applied to every of the five former impressions, which I will take, not in order, but as I think they are of weight.

For the removing the impression of your nature to be *opiniastre* and not rutable : First, and above all things, I

wish that all matters past, which cannot be revoked, your Lordship would turn altogether upon insatisfaction, and not upon your nature or proper disposition. This string you cannot upon every apt occasion harp upon too much. Next, whereas I have noted you to fly and avoid (in some respect justly) the resemblance or imitation of my Lord of Leicester and my Lord Chancellor Hatton; yet I am persuaded (howsoever I wish your Lordship as distant as you are from them in points of favor, integrity, magnanimity, and merit) that it will do you much good between the Queen and you, to allege them (as oft as you find occasion) for authors and patterna. For I do not know a readier mean to make her Majesty think you are in your right way. Thirdly, when at any time your Lordship upon occasion happen in speeches to do her Majesty right (for there is no such matter as flattery amongst you all), I fear you handle it *magis in speciem adornatis verbis, quam ut sentire videaris*; so that a man may read formality in your countenance; whereas your Lordship should do it familiarly *et oratione fidâ*. Fourthly, your Lordship should never be without some particulars afoot, which you should seem to pursue with earnestness and affection, and then let them fall, upon taking knowledge of her Majesty's opposition and dislike. Of which the weightiest sort may be, if your Lordship offer to labor in the behalf of some that you favor for some of the places now void; choosing such a subject as you think her Majesty is like to oppose unto. And if you will say that this is *conjunctum cum aliena injuriâ*, I will not answer, *Hec non aliter constabunt*; but I say, commendation from so good a mouth doth not hurt a man, though you prevail not. A less weighty sort of particulars may be the pretense of some journeys, which at her Majesty's request your Lordship might relinquish; as if you would pretend a journey to see your living and estate towards Wales, or the like: for as for

great foreign journeys of employment and service, it standeth not with your gravity to play or stratagem with them. And the lightest sort of particulars, which yet are not to be neglected, are in your habits, apparel, wearings, gestures, and the like.

The impression of greatest prejudice next, is that of a militar dependence. Wherein I cannot sufficiently wonder at your Lordship's course ; that you say the wars are your occupation, and go on in that course ; whereas, if I might have advised your Lordship, you should have left that person at Plymouth ; more than when in counsel, or in commending fit persons for service for wars, it had been in season. And here (my Lord) I pray mistake me not. I am not to play now the part of a gownman, that would frame you best to mine own turn. I know what I owe you. I am infinitely glad of this last journey, now it is past ; the rather, because you may make so honorable a full point for a time. You have property good enough in that greatness. There is none can, of many years, ascend near you in competition. Besides, the disposing of the places and affairs both, concerning the wars, (you increasing in other greatness,) will of themselves flow to you ; which will preserve that dependence in full measure. It is a thing that of all things I would have you retain, the times considered, and the necessity of the service ; for other reason I know none. But I say, keep it in substance, but abolish it in shew to the Queen. For her Majesty loveth peace. Next, she loveth not charge. Thirdly, that kind of dependence maketh a suspected greatness. Therefore, *quod inlat agimus*. Let that be a sleeping honor awhile, and cure the Queen's mind in that point. Therefore again, whereas I heard your Lordship designing to yourself the Earl Marshal's place, or the place of Master of the Ordinance, I did not in my mind so well like of either ; because of their affinity with a martial greatness. But of

the places now void, in my judgment and discretion, I would name you to the place of Lord Privy Seal. For first, it is the third person of the great officers of the crown. Next, it hath a kind of superintendence over the Secretary. It hath also an affinity with the Court of Wards, in regard of the fees from the liveries. And it is a fine honor, quiet place, and worth a thousand pounds by year. And my Lord Admiral's father had it, who was a martial man. And it fits a favorite to carry her Majesty's image in seal, who beareth it best expressed in heart. But my chief reason is, that which I first alleged to divert her Majesty from this impression of a martial greatness. In concurrence whereof, if your Lordship shall [not] <sup>1</sup> remit anything of your former diligence at the Star Chamber; if you shall continue such intelligences as are worth the cherishing; if you shall pretend to be as bookish and contemplative as ever you were: all these courses have both their advantages and uses in themselves otherwise, and serve exceeding aptly to this purpose. Whereunto I add one expedient more, stronger than all the rest; and, for mine own confident opinion, void of any prejudice or danger of diminution of your greatness; and that is, the bringing in of some martial man to be of the Council; dealing directly with her Majesty in it, as for her service and your better assistance; choosing nevertheless some person that may be known not to come in against you by any former division. I judge the fittest to be my Lord Mountjoy, or my Lord Willoughby. And if your Lordship see deeper into it than I do, that you would not have it done in effect; yet in my opinion, you may serve your turn by the pretense of it, and stay it nevertheless.

The third impression is of a popular reputation; which because it is a thing good in itself, being obtained as your Lordship obtaineth it, that is *bonis artibus*; and be-

<sup>1</sup> Omitted in B.

sides, well governed, is one of the best flowers of your greatness both present and to come ; it would be handled tenderly. The only way is to quench it *verbo* and not *rebus*. And therefore to take all occasions, to the Queen, to speak against popularity and popular courses vehemently ; and to tax it in all others ; but nevertheless to go on in your honorable commonwealth courses as you do. And therefore I will not advise you to cure this by dealing in monopolies, or any oppressions. Only, if in Parliament your Lordship be forward for treasure in respect of the wars, it becometh your person well. And if her Majesty object popularity to you at any time, I would say to her, a Parliament will show that ; and so feed her with expectation.

The fourth impression, of the inequality between your estate of means and your greatness of respects, is not to be neglected. For believe it (my Lord) that till her Majesty find you careful of your estate, she will not only think you more like to continue chargeable to her, but also have a conceit that you have higher imaginations. The remedies are, first, to profess it in all speeches to her. Next, in such suits wherein both honor, gift, and profit may be taken, to communicate freely with her Majesty, by way of inducing her to grant, that it will be this benefit to you. Lastly, to be plain with your Lordship (for the gentlemen are such as I am beholding to), nothing can make the Queen or the world think so much that you are come to a provident care of your estate, as the altering of some of your officers ; who though they be as true to you as one hand to the other, yet *opinio veritate major*. But if, in respect of the bonds they may be entered into for your Lordship, you cannot so well dismiss yourself of them, this cannot be done but with time.

For the fifth and last, which is of the advantage of a favorite ; as, severed from the rest, it cannot hurt : so,



joined with them, it maketh her Majesty more fearful and shadowy, as not knowing her own strength. The only remedy to this is, to give way to some other favorite, as in particular you shall find her Majesty inclined ; so as the subject hath no ill nor dangerous aspect towards yourself. For otherwise, whosoever shall tell me that you may not have singular use of a favorite at your devotion, I will say he understandeth not the Queen's affection, nor your Lordship's condition. And so I rest.

*October 4, 1596.*

Well would it have been for Essex if he could have taken this view of his own case, and been content to rest upon the honor which he had achieved. For fortune had no more prizes of that kind in reserve for him. And besides the policy of leaving off a winner in a game where there were many chances against him, it is probable that a serious endeavor to follow Bacon's advice would have corrected the defects of his character as well as made his fortunes secure : for the habit of self-control and submission would have taught him the constancy and composure which he wanted. But it was advice which, if not followed consistently, might better have been let alone. Fits of affected obsequiousness, interrupted by outbreaks of haughty self-opinion, formed the worst mixture : the one losing all its grace, and other all its excuse ; and such a mixture, I am afraid, it really led to. For awhile, however, Essex seems to have acted upon it with good effect ; and the rest of the year passed without any differences that we hear of. For Bacon himself also things looked better. During the Christmas holidays he received "gracious usage and speech" from the Queen : prelude, it was hoped, to more substantial favors. While he on his part presented her with a sample of a work which he meditated, on the *Maxims of the Law* ; which was meant to be his great contribution to the science of

his profession; a collection of the principal Rules and Grounds of Law dispersed through the body of decided cases. How far he proceeded with this work at a later period is not known. But the specimen which has come down to us is supposed by Mr. Heath to have been composed entirely at this period of his life. To the same period must be referred the "Essays" in their earliest form, the fragment entitled "Colors of Good and Evil," and the "Meditationes Sacre;" which were published shortly after. From these we may partly infer the nature of his occupations during the autumn and winter of 1596, concerning which we should otherwise be left in ignorance.

It was not to be supposed that the King of Spain would take the capture of Cadiz and the destruction of his shipping quietly: and rumors of great naval preparations aimed at England or Ireland were rife during the winter. The alarm grew hotter as the fighting season approached, and it was resolved to set forth another expedition of sea and land forces to meet him. With this resolution came the first severe trial which Essex's improved courtship had to endure. In the Tiltyard and the Presence, where he naturally without dispute took the first place, love and loyalty supported him under many afflictions. But a war with Spain, and anybody but himself to enjoy the glory of it, was more than his spirit could endure. As early as the 25th of February we find that he had been keeping his chamber (under pretense of sickness, but really in discontent) "for a full fortnight;" the ground of discontent being apparently the appointment of colleagues; for it is added, that "her Majesty had resolved to break him of his will and pull down his great heart: who found it a thing impossible, and says he holds it from the mother's side;" and that on being told by her "that Lord Thomas Howard and Sir Walter Raleigh were to be joined with him in equal authority," he had "refused to go, and been well chidden

for it." And though it was understood that all was well again then (February 25) between him and the Queen, we find him on the 4th of March still at enmity with Sir Robert Cecil, and (in spite of Raleigh's mediation, who had been trying to reconcile them) on the point of quitting the Court and making a journey into Wales.

About the same time another quarrel arose upon the appointment to the Wardenship of the Cinque Ports, vacant by the death of Lord Cobham (March 6); whose eldest son, an enemy of the Earl's, was one of the competitors. Essex wished Sir Robert Sydney to have the place; but finding the Queen resolute in favor of the new Lord Cobham, and "seeing he is likely to carry it away, I mean (said the Earl) resolutely to stand for it myself against him. . . . My Lord Treasurer is come to Court, and we sat in council this afternoon in his chamber. I made it known unto them that I had just cause to hate the Lord Cobham, for his villainous dealing and abusing of me: that he hath been my chief persecutor most unjustly; that in him there is no worth: if therefore her Majesty would grace him with honor, I may have right cause to think myself little regarded by her." This was on Monday: on the following Saturday, we learn from the same reporter how the quarrel ended. "My Lord of Essex stood for the Cinque Ports; but the Queen told him that the now Lord Cobham should have it. Whereupon he was resolved to leave the Court, and upon Thursday morning, 10th March, himself, his followers, and horses were ready. He went to speak with my Lord Treasurer about ten o'clock, and by Somerset House Mr. Killigrow met him, and willed him to come to the Queen. After some speech had privately with her, she made him Master of the Ordnance, which place he hath accepted and receives contentment by it."

Here then we see the same dangerous game, which Bacon so earnestly deprecated, once more played and won:

a fact not to be forgotten with reference to the growing troubles and fatal termination of his fortune, which we shall shortly witness.

Meanwhile Bacon's fortunes are still as they were; only with this difference — that as the calls on his income are increasing in the shape of interest for borrowed money, the income itself is diminishing through the sale of lands and leases. At this juncture (12th March, 1596-97) Sir William Hatton died; leaving a young widow, clever, handsome, and well provided: daughter of Sir Thomas Cecil, whose step-mother was Bacon's aunt: probably therefore an early acquaintance. What sort of person she was or seemed to be in those years, I do not find reported. There can be no doubt that the worst disease under which Bacon was at present laboring would have been effectually relieved by a wealthy marriage; and I have no reason to suppose that this particular marriage would have been otherwise ineligible. It is certain at any rate that he did make up his mind to try his fortune with the young widow, — certain also that nothing came of it. But this, I am sorry to say, is all we know. He asked the Earl of Essex to write to her parents and to herself on his behalf; who wrote accordingly; but whether the affair proceeded any further — whether Bacon proposed to her parents or to herself; whether he proposed at all; and, if he proposed, how, why, and by whom he was rejected — all this must remain in obscurity. The letter which comes next — without which I believe it would not be known that he had ever entertained such a project — contains, so far as I am aware, all that is known about it.

The few words relating to the forth going expedition, with which the same letter concludes, are of more interest to us. It may be the knowledge of what is coming that gives a significance and solemnity to such passages beyond their natural import; but to me there is a tragic

pathos in these continually repeated notes of warning, so lightly touched, yet so full of sad fore-boding, and so terribly justified by the coming event which they foreshadowed.

How far Essex was concerned in the original project of this expedition is doubtful. He said himself that the Queen "had armed and victualled ten of her own ships and caused the States of the Low Countries to furnish the like number, before ever he was spoken of to go to sea;" and it is true — so at least the rumor ran at the time — that when a *coördinate* command was offered him, he refused to go. But from the time that the scope of the enterprise was enlarged and the sole command offered to himself, it appears from his own account that he entirely approved and urged it forward. He made no doubt that he should destroy both the fleet and army then collected at Ferrol, and so have the Spanish commerce, coasts, and islands at his mercy. And as a further proof how well he liked the service, we find that immediately after his nomination as commander-in-chief he laid his rivalries and jealousies aside, made friends with Sir Robert Cecil, and saw without discontent Raleigh used graciously by the Queen and coming boldly to the Privy Chamber as he was wont. It seems too that Bacon had talked of it with him at the time, as an action of which, if not the author, he was at least the favorer. "Nay I remember" (says he) "I was thus plain with him upon his voyage to the islands, when I saw every spring put forth such actions of charge and provocation, that I said to him, 'My Lord, when I came first unto you, I took you for a physician that desired to cure the diseases of the State; but now I doubt you will be like those physicians which can be content to keep their patients low because they will be always in request.'" And indeed whatever Bacon may have thought of the policy of the expedition in itself, we need not doubt that he regretted the part

which Essex was to have in it. After what he had said in October of the conduct which he wished him to pursue, to find him engaged in a new military enterprise next May could be no matter of congratulation. But when the following letter was written, the decision had been taken: Essex had accepted the commission, and all that could be done was to excite him to discharge it worthily, thinking of the thing and not of the glory.

TO MY LORD OF ESSEX.

MY SINGULAR GOOD LORD, — Your Lordship's so honorable minding my poor fortune the last year, in the very entrance into that great action (which is a time of less leisure), and in so liberal an allowance of your care as to write three letters to stir me up friends in your absence, doth after a sort warrant me not to object to myself your present quantity of affairs, whereby to silence myself from petition of the like favor. I brake with your Lordship myself at the Tower, and I take it my brother hath since renewed the same motion, touching a fortune I was in thought to attempt *in genere æconomico*. In *genere politico*, certain cross winds have blown contrary. My suit to your Lordship is for your several letters to be left with me, dormant, to the gentlewoman and either of her parents; wherein I do not doubt but as the beams of your favor have often dissolved the coldness of my fortune, so in this argument your Lordship will do the like with your pen. My desire is also, that your Lordship would vouchsafe unto me, as out of your care, a general letter to my Lord Keeper, for his Lordship's holding me from you recommended, both in the course of my practice and in the course of my employment in her Majesty's service. Wherein if your Lordship shall in any antithesis or relation affirm that his Lordship shall have no less fruit of me than of any other whom he may cherish, I hope your Lordship shall

engage yourself for no impossibility. Lastly and chiefly, I know not whether I shall attain to see your Lordship before your noble journey; for ceremonies are things infinitely inferior to my love and to my zeal. This let me, with your allowance, say unto you by pen. It is true that in my well-meaning advices, out of my love to your Lordship, and perhaps out of the state of mine own mind, I have sometimes persuaded a course differing: *ac tibi pro tuis inignia facta placebunt*. Be it so: yet remember, that the signing of your name is nothing, unless it be to some good patent or charter, whereby your country may be endowed with good and benefit. Which I speak, both to move you to preserve your person for further merit and service of her Majesty and your country; and likewise to refer this action to the same end. And so, in most true and fervent prayers, I commend your Lordship and your work in hand to the preservation and conduct of the Divine Majesty: so much the more watchful, as these actions do more manifestly in show, though alike in truth, depend upon His divine providence.

If Bacon's success with the young widow had depended upon the strength of Essex's recommendation, he would not have been disappointed. A good opinion more confident, an interest more earnest and unmistakably sincere, could not be conveyed in English.<sup>1</sup> Of the further proceeding we know nothing; not even whether the proposal was ever made. All we know is that in 1597 rumor assigned Lady Hatton to Mr. Greville, without any allusion to Bacon, and that on the 7th of November, 1598, she became the wife neither of Greville nor of Bacon, but of Coke. In after-years we shall meet her again; but at present I have no information to give about the wooing either of the successful suitor or the unsuccessful.

<sup>1</sup> The letters are printed in Birch's *Memoirs*, ii., p. 347



The fortune in *genere æconomico* having thus shared the same fate with the fortune in *genere politico*, Bacon had to consider whether for relief of his immediate necessities anything could be made of his reversion of the Clerkship of the Star Chamber. It was a saleable office; and the present possessor was in some danger of being deprived of it, upon a charge of exacting unlawful fees. For some years the administration of this office had given rise to complaints. In the last Parliament a bill had been brought in, for the reformation of it; but by a little management on the part of the Speaker had been thrown out on the second reading. Upon this I suppose the complainants addressed themselves to the Queen. For it appears that the matter was under inquiry in 1595, when Puckering was Lord Keeper; and it is certain that at a later period some of the fees claimed by the Clerk of the Council were by authority of the Lord Keeper Egerton restrained.

The complaint afterwards took the form of a bill exhibited against Mill in the Star Chamber, the consideration of which was by the Queen referred to Egerton, Buckhurst, Cecil, Fortescue, and Popham; but the end was that the complaints were dismissed, the proceedings cancelled, and the Commissioners ordered to settle what fees, etc., were fit to be allowed in future, and "the same to confirm unto the said William Mill." So the reversion of the office remained with Bacon as before, and the day of possession was no nearer.

While these private cares were occupying Bacon at home, the great expedition had set forth; not, however, on this occasion, with happy winds, nor in token of happy adventures. Of the last adventure of the kind Bacon had been "infinitely glad, now that it was past." No such consolation was reserved for him here. If he thought, as I suppose he did, that Essex was not the man for such enterprises, and that his fortunes

would one day be shipwrecked in them, everything that happened in the course of this new voyage must have tended to confirm him in his judgment.

The frustration of the original design was indeed due simply to weather, and could not have been helped. The fleet, dispersed and disabled by a storm, and driven back to Plymouth to refit, was found to be too much reduced in strength for an attempt upon the Armada collected at Ferrol. But it was thought that they were still strong enough to intercept the Indian treasure on its homeward voyage, and upon an attentive study of the confused and unsatisfactory narrative, drawn by Essex and signed by all the commanders, which passed for the official report, it is difficult not to think that the attempt failed merely for want of ordinary judgment in the conduct of it. Last year, after the successful attack on Cadiz, Essex had proposed to sail to Terceira and capture the Indian fleet, but was overruled by his colleagues; and when it was found that, within a day or two after his proposition had been rejected, the fleet in question sailed quietly into the Tagus, everybody said it was a prize lost by ill counsel, — it must have been taken if his advice had been followed. On this occasion he had no council to hamper his movements, no weather to baffle them. He sailed to the Azores, where the homeward fleet was sure to touch, for the special purpose of intercepting it, an enterprise certainly not made more difficult by the absence of the Adelantado, whom he expected to find there before him. It arrived at the expected season in the expected place, was met with by some ships of his own squadron, who fired guns and carried lights all night to give notice of it. Yet not a ship was taken or damaged, except three or four stragglers that had got separated from the main body.

He said afterwards, and no doubt thought, that it was only by a very unfortunate accident that he was pre-

vented from taking them all,—the accident of a false intelligence, which made him stand one night a contrary way.<sup>1</sup> But looking at his own story, told at the time, it would rather seem that he was in fact indebted to the concurrence of three separate accidents, which, if any good had come of them, must have been considered uncommonly fortunate, for the chance of taking one. The “contrary way” which he stood that night was the way which he was going; the “false intelligence” did not make him alter his course, only prevented him from altering it. *Why* he was going that way, is a question which modern historians and biographers do not seem to have asked themselves, and which the companions of his voyage, though they must have asked it with wonder, were evidently unable to answer. And as this is the first action of which he had the sole direction, it is worth while to examine it a little more closely; for in order to understand Bacon's relations with Essex, it is indispensable to understand Essex himself.

As soon as he arrived at the Azores he ascertained that the Adelantado was not there, and that Terceira, which was the Spanish stronghold in those islands, was too strong to be attempted with the force he had. The one considerable service which remained for him therefore, was to intercept the fleet of treasure which was expected from the Indies, but was detained as yet by contrary winds. His first proceeding was obvious and natural: he passed through the group of islands to Flores, the westernmost of them, took in water and stores, and waited some ten days, when he was joined by Raleigh with thirty other ships, which had been separated by weather off the coast of Spain. At that time the wind changed.<sup>2</sup> If the fleet was coming at all, therefore, now

<sup>1</sup> Essex to Cecil, April 24.

<sup>2</sup> “As yet the wind has been contrary for all Italian fleets, but now it is good.”—Essex to Cecil, 16th September, *Letters of the Earl of Essex*, i., p. 408.

was the time to look out for it. And the object being to prevent it from getting under the batteries of Terceira, the only place in the islands where it could not be attacked, it would seem to have been above all things desirable to keep the body of the fleet in a position to command that passage. Yet it was precisely at this juncture, and with the wind N. N. W., that Essex ordered his whole force to *St. Michael's*, of all places, — an island lying both southward and eastward of Terceira; his reason, — the only reason he gives, — being, that “he was told by a small pinnace come from the Indies, that it was doubtful whether the Indian fleet came from thence or not, and if they did, they would change their usual course and come in some height [*i. e.* latitude] more to the southward, till they were passed these islands, where usually they are attended.” Which information (he proceeds) “made us resolve in council to go for Fayal, and so for *St. Michael*, and to have some nimble ships to lie off and on at sea both to the southward and the northward.”

If the movement had been only to *Fayal*, which was the most central position on the western side of the group, and in nearly the same latitude with Terceira, it would have been judicious, and would in fact have met with the success it deserved. But if the Spaniards themselves had had the disposition of the English fleet, they could not have done better then order it to *St. Michael's*. Much has been said of Essex's ill luck in so narrowly missing his prize; but his ill luck was all of his own choosing. Luck struggled hard on his side. For what happened? While he was on his way “towards *St. Michael's*,” — but still, it seems, on the northwest of Terceira, — hearing that a great ship had been seen off *Graciosa* (in the neighborhood of which he must then have been) moving westward, he immediately prepared to form his fleet in three divisions, — one to go round Terceira by the north,

another by the south, and a third to ply westward, and so cut her off from Fayal if she should make thither. By this disposition he made sure of intercepting her before she could gain a place of refuge; and the occasion came opportunely to warn him against taking a course in which such a disposition would become impracticable. But it seems he was so bent upon St. Michael's that nothing less than the immediate prospect of a prize could divert him from it. For being told, while he was giving the orders for this movement, that the ship had been followed and proved to be an English pinnace, he forthwith countermanded his directions and proceeded on his former course, followed (as he thought) by all the fleet: proceeded (that is) to a position from which, while the wind continued in its present quarter, it would be impossible to intercept the passage either to Terceira or Fayal; so that if the treasure-fleet were coming by the usual route, it had nothing to do but sail quietly under the batteries while his back was turned. And if all had gone as he intended, not a ship would have been taken or molested. For, as if to be sooner out of their way, he shaped his course to St. Michael's by the north side of Terceira, so as not even to cross their line of passage.<sup>1</sup>

But here accident interposed in his favor again. For it so happened that the person who was charged with the order for the movement which was so suddenly countermanded, being, I suppose, dull of hearing, made *two* extraordinary mistakes: "mishearing" the effect of the first order, and not hearing the countermund at all; the consequence of all which was that four ships stood about to the westward by themselves, while the Admiral with the rest of the fleet sailed away due east, quite unconscious of the fact. These four ships being thus by mistake sent in the direction in which the treasure-fleet was most likely to be met, did that very night (and no wonder)

<sup>1</sup> Monson, p. 36.

fall in with a fleet of twenty-five sail, among which were some sixteen richly laden carracks. But accident could do no more when design was so deliberately adverse. The four ships by themselves were not strong enough to stop them, and it was in vain that they burned lights and fired guns for help, the *Admiral* being by this time far out of sight and hearing, and (which made it worse) far to leeward. So that by the time he heard the news the fleet was safe under the batteries, and it still took him three days to weather the point, and ascertain by inspection that he could not help it.

After all, however, luck did something for him, for it was in this fruitless endeavor to intercept the main body that he fell in with three stragglers, which, having already struck to Raleigh, he sent his own boats to take possession of, and which proved a good prize; the only prize of the voyage worth mentioning.

Had this been anybody's account of the matter but his own, I should not have believed it, the proceeding seems so unaccountable. Being his own, we must at least suppose that he wished it to pass for the true account, and that if his course admits of any other explanation, it was one which he could not so conveniently avow. We know, however, that it is at least a very *imperfect* account, and putting the facts omitted and the fact of their omission together, we may, I think, make it a little more intelligible.

Essex, it must be remembered, had had no experience in this kind of service. He had all his mistakes to make; and being naturally impatient, impetuous, and over-confident, — though at the same time (according to Sir W. Monson, whom I can very well believe) “of a flexible nature to be overruled,” — they would doubtless be many. The principal objects with which he undertook the expedition had all failed. The Spanish fleet, while it remained at Ferrol, was unsailable. If it had gone

to the Azores, as reported, he might do something with it there; but it had not gone, so that chance was cut off. Could he take Terceira? No, it was too strong? Could he intercept the treasure? Yes, if it came; but was it coming? And if not, what then? He might sack the other islands, and so secure a little plunder, a few prisoners, and perhaps some glory. It would be of no real use, but might yield something to talk of; it was what the soldiers about him wished for, and it would sound better than nothing, which was the alternative. In this state of mind he waited at Flores till he was tired of waiting. He began to fear that the homeward fleet was not coming. The first ship which came with the change of wind from that quarter brought no tidings of it; perhaps it would come another way. It was absolutely necessary to do something. Now a plan had been already arranged for "taking in" the islands, as they called it: one division was to attack St. Michael, another Pico, another Graciosa, another Fayal. The last, which was the nearest, he was to undertake himself, with the assistance of Raleigh, should he arrive in time. This plan, *as originally designed*, was probably intended to combine with the main object of intercepting the treasure. Three parts of the fleet would still be to windward of the passage to Terceira, and though they could not be so ready in that case to give chase upon the instant as they should have been, still they were in the way and would have their chance. And this plan it was resolved to carry into effect at once, for when Raleigh arrived at Flores, he was ordered not to stay to take in water, but to follow the Admiral at once to Fayal. This order was given on the 16th of September. It seems, however, that something came across Essex the same day, and changed or interrupted his purpose, for when Raleigh arrived at Fayal the same evening, he found there neither Admiral nor Vice-Admiral, nor any news of them. And they did



not arrive till the 22d.<sup>1</sup> What they had been doing in the interval is not hinted either in the official report, or in Essex's "Apology," or in any other account of the voyage that I have met with; but I suppose they had heard of a sail seen somewhere, and had gone suddenly off in pursuit forgetting to send word of it to the other squadron.

However that may be, they were not to be found or heard of. And an affair happened in consequence, which, though not mentioned in the official report, I take to be the real explanation of the resolution taken shortly after, and otherwise so unaccountable, to proceed with the whole fleet to St. Michael's.

Raleigh was Rear Admiral. He had been ordered to Fayal to assist in an attack upon the island, and had been told that he need not stay to water at Flores, because he could get what he wanted there. He was in great want of water, but found that he could not land without opposition. After waiting four days, and receiving no tidings or instructions, he determined to force a landing. Which he did, and, one thing leading to another, he followed his fortune, and succeeded in taking the town. So that when Essex arrived, he found that part of his work nearly completed, and everything ready for an attack upon the high fort, which was still in the hands of the enemy. This was so much gained. But it involved the loss of one thing which, unfortunately, he valued more. He might take possession of the island in the Queen's name and carry off whatever was worth taking, but he could not carry off the glory of it. The credit of the achievement was not transferable, and must go to another. This touched Essex's worst weakness, a weakness which was increasing upon him, and not only marring his work but degrading his character. His old ambition to outstrip competitors in the race of glory,—

<sup>1</sup> See Sir Arthur Gorges' narrative, printed in Purchas.

an ambition not incompatible with magnanimity. — was fast degenerating into intolerance of competition, — a vice with which magnanimity can have nothing to do. It was not enough to win, unless the credit of winning were his own, and his own only. He had already in the course of this very service shown symptoms of the disease. Though he had been on friendly terms with Raleigh ever since it was settled that he should have the sole command himself, he had shown himself extremely apprehensive lest he should find an opportunity for individual distinction. When Raleigh was separated from the fleet of Spain by the breaking of his manyard, and on repairing to the appointed rendezvous could hear no tidings of the Admiral, but was joined by several other ships that had in like manner parted company, Essex was easily persuaded that he was keeping away on purpose that he might do some work on his own account. And now that accident had presented him (being again at the appointed rendezvous and again without tidings of the Admiral) with an opportunity of doing by himself the very service which he had been ordered thither to assist in, Essex was hardly persuaded to let him off without trial upon a capital charge. Not that he had failed. Not that by premature action he had marred any one object of the voyage. Not that what remained to be done could not be done more easily than if he had rested inactive. But he had won a little glory which would otherwise have fallen to the commander-in-chief. For this offense it was said the proper punishment was nothing less than death. And it seems that it was ultimately passed over upon a very strange condition. Raleigh had not only to apologize for the error, but to resign the glory; which, as it could not be transferred, was to be canceled. Such at least I inter to have been the terms upon which peace was made, from the singular fact, that in the official report of the voyage, signed by

all the commanders, this particular action, — the taking of Fayal, — though by far the most remarkable feat performed, and really a gallant one, had the object been adequate, is not mentioned or alluded to.

While such humors reigned, it is not strange if foolish things were done, and I cannot help suspecting that impatience to eclipse the capture of Fayal was the true motive of the voyage to St. Michael's, and that the poor success of that enterprise was the real reason why the first action was suppressed in the narrative and the last unexplained. Effectual precautions were taken on this occasion to exclude Raleigh from all share in the expected glory, but, unfortunately, the glory did not come.

But though fortune did not favor Essex in this particular, she was still to interfere most signally in his behalf in a matter of much more importance. Where was the fleet of Ferrol all this time? Finding that it had not gone to the Azores, he inferred that it would stay where it was.<sup>1</sup> It does not seem to have occurred to him that though the *Adelantado* would not come out in the face of an English fleet newly equipped to engage him, he might come well enough when that fleet was in the middle of the Atlantic. Why he did not start sooner is, I suppose, to be explained by the proverbial slowness of Spanish movements: for from the middle of September to nearly the end of October, he had the Channel to himself. But what actually happened, and how little it was owing to good management that England escaped that autumn a great disaster, I cannot better explain than in the words of Sir William Monson, one of the captains of the voyage.

"The Spaniards, who presumed more upon their advantages than their valors, thought themselves in too weak a condition to follow us to the islands, and put their fortunes upon a day's service, but sublyly devised how to intercept us as we came home,

<sup>1</sup> "We here missed the *Adelantado*, who did not even ferret this year." — Essex to Cecil, 15th September, *Letters of the Earle of Essex*, i. 35. 450

when we had least thought or suspicion of them; and their fleet, that was all the while in the Groyne and Ferrol, not daring to put forwards while they knew ours to be upon the coast, their General, the *Adelantada* came for England, with a resolution to land at Falmouth and fortify it, and afterwards with their ships to keep the sea, and expect our coming home scattered.

"Having thus cut off our sea forces, and possessing the harbor of Falmouth, they thought with a second supply of thirty-seven Levantisco ships, which the Marquis Arumbullo commanded, to have returned and gained a good footing in England.

"These designs of theirs were not foreseen by us; for we came home scattered, as they made reckoning, not twenty in number together.

"We may say, and that truly, that God fought for us; for the *Adelantada* being within a few leagues of the island of Scilly, he commanded all his captains on board him to receive his directions; but whilst they were in consultation, a violent storm took them at east, insomuch that the captains could hardly recover their ships, but in no case were able to save their boats, the storm continued so furious, and happy was he that could recover home, seeing their design thus overthrown by the loss of their boats, whereby their means of landing was taken away. Some who were willing to stay and receive the further commands of the General kept the seas so long upon our coast, that in the end they were taken, others put themselves into our harbors for refuge and succor, and it is certainly known that in this voyage the Spaniards lost eighteen ships, the *St. Luke* and the *St. Bartholomew* being two, and in the rank of his best galleons.

"We must ascribe this success to God only: for certainly the enemies' designs were dangerous, and not to be diverted by our force; but by his will who would not suffer the Spaniards in any of their attempts to set footing in England, as we have done in all the quarters of Spain, Portugal, the Islands, and both the Indies."<sup>1</sup>

It was near the end of October when the fleet arrived,

<sup>1</sup> *A True and Exact Account of the Wars and Spains in the Reign of Queen Elizabeth of Famous Memory*, by Sir Walter Monson, p. 38.

and found all the south coast in great alarm, and the danger not yet over. The necessity of making ready for fresh action postponed all else for the time, and I am not aware that the conduct of the voyage was ever made the subject of a formal investigation. It was rumored, however, in Court, that the Queen was not well pleased with Essex, either for his management of the business or for his treatment of Raleigh; and that he was already (5th November) acting the injured man. If to his many great gifts there had but been added the gift of profiting by his own errors in the knowledge of himself, the result of the enterprise, though worthless enough to the country, might have been of infinite value to him. But that gift was wanting. He appears to have been just as popular as ever, and not at all wiser. Still ready to find a personal grievance in every smile bestowed on a rival, whether friend or enemy, he had many grievances at this time to digest. These I shall have to refer to hereafter; but as I find no record of any meeting or other communication at this time between him and Bacon, who was now deeply engaged in the business of the new Parliament which had just met, I must now give some account of that.



## CHAPTER II.

A. D. 1597-1598. *ÆTAT.* 37.

QUEEN ELIZABETH's courage was of that rare temper which can rise even into passion without disturbing the judgment. Being unconscious of fear, she had no need to prove her valor either to herself or others by facing danger, and could the more steadily see and avoid it. When she saw symptoms of mutiny in the House of Commons, and the issue doubtful or the struggle inconvenient, though she stood her ground while the dispute lasted, she took care that the occasion should not arise again. And, therefore, although the most important business of the new Parliament was much like that of the last, and the circumstances not materially different, we hear nothing this time of any attempt in the Upper House to dictate to the Lower, of any proposal for joint deliberation on questions of supply, of any warnings from the Throne not to waste time in speeches or meddle with ecclesiastical causes, or of any intimation that they were not called to make new laws. On the contrary, to consider the state of the laws was represented as their proper business; and if provision for the defense of the kingdom was the first thing to be thought of, it was only because, if that were neglected, laws were made in vain. "And whereas" (said the Lord Keeper, in terms which Bacon must have entirely approved) "the number of laws already made is very great, some of them being obsolete and worn out of use, others idle and vain, serving to no purpose; some again over-heavy and too severe for

the offense; others too loose and slack for the faults they are to punish, and many so full of difficulty to be understood, that they cause many controversies and much difficulty to arise amongst the subjects; therefore you are to enter into a due consideration of the laws, and where you find superfluity, to prune and cut off; where defect, to supply; and where ambiguity, to explain; that they be not burdensome but profitable to the commonwealth. Which being a service of importance and very needful to be required, yet as nothing is to be regarded if due mean be not had to withstand the malice and the force of those professed enemies which seek the destruction of the whole state, this before all and above all is to be thought of," etc. And so he proceeds to speak generally of the necessity of aids and subsidies. Nothing was said of any immediate alarm, though this was spoken on the 24th of October, while the Spanish fleet was still hovering about the coasts, and our own not yet returned. And so little appearance was there of hurry, anxiety, or impatience, that immediately after the presentation of the Speaker on the 27th, the Houses were adjourned by the Queen's command till the 5th of November. Nor was it till ten days after that, that any motion was made on the subject of supply. All the principal commonwealth bills had precedence. The way was led by a bill against fore-stallers and regrators, those ancient and uncomfortable offenders with whom the legislature was still waging an intellectual war. Then followed a motion against enclosures and depopulation, and for the maintenance of husbandry and tillage — a measure then very popular, of which I shall speak further presently. Then questions of privileges and returns — the House's own special business. Next day (Monday, 7th November) came a bill to take away benefit of clergy in cases of abduction of women, and a motion "touching sundry enormities growing by patents of privilege and monopolies," which was



renewed the next day, and discussed several times afterwards, without any intimation that it was an interference with the prerogative. On the 8th came a motion for the relief of the people from the obligation to keep certain kinds of armor and weapons, now obsolete. Then a motion "for the abridging and reforming of the excessive number of superfluous and burdensome penal laws." On the 10th a question was raised about certain abuses in the ecclesiastical courts, which called forth a message from the Queen, not now to imprison the member who made the motion or to forbid the Speaker to read the bill, but to command the House to prosecute the inquiry. On the 11th a committee was appointed for continuance of statutes. On the 12th a bill was brought in for the increase of mariners and the maintenance of navigation. On the 14th a bill for the suppression of robberies, which had been brought in before, but I do not know on what day, was thrown out upon the second reading. On the 15th a bill was introduced for extirpation of beggars. After which the Chancellor of the Exchequer moved for a committee to treat and consult concerning supply.

As nothing could be more decorous than the order of proceedings, so nothing could be more successful. All went smoothly. No difference arose which caused any embarrassment, either between the parties in either House, or between one House and the other, or between either of them and the Crown. An amount of supply, equal to that given by the last Parliament (which was greater than any Parliament had given before), was voted without a dissentient voice.

The laws which were passed bear the impress of the time, both in the matters dealt with and the mode of dealing. But they were all framed, according to the best political economy of the day, either to check the diseases or to improve the general health of society. How large a space in their deliberations was occupied by the great

problem of the Relief of the Poor, may be inferred from the fact that on the 22d of November eleven separate bills, all bearing upon that subject, were referred to the same committee; and if they did not succeed in settling the question forever, they placed it on a footing on which it stood for nearly two hundred and fifty years; and might have been standing now, if abuses had not crept into the administration of it for which its authors were not responsible; for the 43d of Elizabeth, chap. 2, which has been called the "great charter of the poor, the first comprehensive measure of legal charity," is only the 39th of Elizabeth, chap. 3, continued, and improved in some details. In principle and in all its main features it is the same.

In this, as indeed in almost every measure of general policy discussed in this Parliament, Bacon appears to have been more or less engaged, for there is scarcely a committee-list in which his name does not appear. But the records are not full enough to show the part he took in the deliberations, except in three or four cases. The motion "for abridging and reforming the excessive number of superfluous and burdensome penal laws" was seconded by him, but appears to have dropped or merged in an ordinary "Continuance" Act. An act for the "increase of mariners for the service and defense of the realm" led to conferences with the Lords, some of which were reported by him to the Commons. But in the acts for the prevention of enclosures and the maintenance of tillage he appears to have had the chief management, and a fragment of his introductory speech has been preserved. Of these measures it may be worth while to give a more particular account, the rather because the changes which have intervened, not only in opinion on such questions but in the essential conditions of the case, make it difficult in these days to understand their true import.

They were meant to give effect to a measure introduced originally by Henry VII., and as Bacon himself in his later life drew attention to that measure as a specimen of profound legislation, and explained at large the objects, provisions, and operation of it, I cannot introduce the subject better than by quoting his remarks.

“Another statute was made of singular policy, for the population apparently, and (if it be thoroughly considered) for the soldiery and militar forces of the realm. Enclosures at that time began to be more frequent, whereby arable land (which could not be manured without people and families) was turned into pasture, which was easily rid by a few herdsmen; and tenancies for years, lives, and at will (whereupon much of the yeomanry lived) were turned into demesnes. This bred a decay of people, and by consequence a decay of towns, churches, tithes, and the like. The King likewise knew full well, and in nowise forgot, that there ensued withal upon this a decay and diminution of subsidies and taxes; for the more gentlemen ever the lower books of subsidies. In remedying of this inconvenience, the King's wisdom was admirable, and the Parliament's at that time. Enclosures they would not forbid, for that had been to forbid the improvement of the patrimony of the kingdom; nor tillage they would not compel, for that was to strive with nature and utility; but they took a course to take away depopulating enclosures and depopulating pasturage, and yet not that by name, or by any imperious express prohibition, but by consequence. The ordinance was, That all houses of husbandry that were used with twenty acres of ground and upwards should be maintained and kept up forever; together with a competent proportion of land to be used and occupied with them, and in nowise to be severed from them (as by another statute, made afterwards in his successor's time, was more fully declared): this upon forfeiture to be taken, not by way of

popular action, but by seizure of the land itself by the king and lords of the fee, as to half the profits, till the houses and lands were restored. By this means the houses being kept up did of necessity enforce a dweller, and the proportion of land for occupation being kept up did of necessity enforce that dweller not to be a beggar or cottager, but a man of some substance, that might keep hinds and servants and set the plough on going. This did wonderfully concern the might and mannerhood of the kingdom, to have farms as it were of a standard sufficient to maintain an able body out of penury, and did in effect amortise a great part of the lands of the kingdom unto the hold and occupation of the yeomanry or middle-people, of a condition between gentlemen and cottagers or peasants. Now how much this did advance the militar power of the kingdom is apparent by the true principles of war and the examples of other kingdoms. For it hath been held by the general opinion of men of best judgment in the wars (howsoever some few have varied, and that it may receive some distinction of case) that the principal strength of an army consisteth in the infantry or foot. And to make good infantry it requireth men bred not in a servile or indigent fashion, but in some free and plentiful manner. Therefore if a state run most to noblemen and gentlemen, and that the husbandmen or ploughmen be but as their work-folks or laborers, or else mere cottagers (which are but housed beggars), you may have a good cavalry, but never good stable bands of foot; like to coppice-woods that if you leave in them studdles too thick, they will run to bushes and briars and have little clean underwood. And this is to be seen in France and Italy (and some other parts abroad), where in effect all is noblesse or peasantry (I speak of people out of towns), and no middle people: and therefore no good forces of foot; inasmuch as they are enforced to employ mercenary bands of Switzers

(and the like) for their battalions of foot. Whereby it also comes to pass that these nations have much people and few soldiers. Whereas the King saw that contrariwise it would follow that England, though much less in territory, yet should have infinitely more soldiers of their native forces than these other nations have. Thus did the King secretly sow Hydra's teeth, whereupon (according to the poet's fiction) should rise up armed men for the service of this kingdom."<sup>1</sup>

Now when we remember that in those days there was no standing army, and that in case of war, either at home or abroad, success depended upon the fitness and readiness of the general population of the country to turn soldiers, we see that the keeping up of a supply of the stuff out of which soldiers are made was an object of primary national importance. It was also one which the legislature had to look after, for in the natural course of supply and demand it was sure to be left unprovided for. The wealth of the country, its total stock both of men and of the things men want, would, I suppose, have been increased rather than diminished by the process which was going on; the more luxuries the more labor; the more labor the more people; the more people the more food; and therefore the increase of provision for times of peace would have been best cared for by leaving each man to help himself according to his own appetite and means. Not so for times of war. That was a chance which neither the buyer nor the seller was providing for or thinking of. It did not concern them for the present; and to provide for the future, though it was all men's interest, was no man's business. Here therefore the legislature steps in, not to teach people how to get what they are all pursuing, but to prevent them from losing something, which when lost they will all feel the want of, but if left to themselves they will certainly let slip.

<sup>1</sup> *Hist. of Henry VII., Works, v.*, Part I., pp. 142-143.

The difficulty, in this as in all such cases, was to enforce the provisions of a law made to counteract a natural tendency of civilization. In spite of Henry VII.'s Act, "sundry towns, parishes, and houses of husbandry had of late years been destroyed and become desolate;"<sup>1</sup> and the conditions of the time being well fitted to remind statesmen of the importance of the policy, Bacon commenced the session with a motion for leave to bring in two bills on the subject. Of his speech we have only a meagre and obviously inaccurate report, little better, I suspect, than a string of fragments of sentences connected by transitional words to make them read grammatically.

The notices of these bills in the Journals, as they passed through their several stages, show that Bacon was the chief manager of them, and that they were "well liked by the House;" but we have no particulars of the debates, nor is there anything in the acts themselves, so far as I can see, upon which it is worth while to dwell.

Of the history of the Subsidy Bill, we learn from the Journals little more than that the first motion was made by the Chancellor of the Exchequer on the 15th of November, who stated that the Queen had been obliged to spend in the defense of the kingdom more than thrice the amount of the last grant; that it was seconded by Sir Robert Cecil, who showed at large the designs and attempts of the King of Spain since the last Parliament; that after speeches in support of it from Sir Edward Hoby and Mr. Francis Bacon, a committee was appointed; that upon their report, made on the 19th, the House agreed to a grant of three subsidies and six fifteenths and tenths, the same as was voted by the last Parliament, but payable this time in three years instead of four; that on the 21st the articles were read, approved, and delivered to the Solicitor that he might "draw the book;" that the Bill passed its first reading on the

<sup>1</sup> Preamble to the Act of 1597.

7th of December, its second on the 10th, and its third on the 14th; that it met with no obstruction, and was presented to the Queen at the close of the session by the Speaker as a gift granted "I hope and think without the thought of a No; sure I am without the word of a No." A fact from which we cannot, I think, infer less, than that the apprehensions entertained by Bacon with regard to the bill of 1593 had not been justified by the event, and that the people had been found well enough able to bear the double payment. If it had caused any material discontent in the country, it is hardly conceivable that there should have been no member in the House to represent that discontent.

The Earl of Essex returned to Court from his island voyage on the 29th of October. A week after, we hear that "for himself he is already disquieted, keeps in, and went not this day to the Parliament." It was the beginning of another fit of discontent, which was to last nearly two months.

The reason was partly, no doubt, the reception which his last service met with from the Queen, who was (very naturally, I think) but ill satisfied with his management of it. But he had other griefs which he could still worse endure. In his absence Sir Robert Cecil had been made Chancellor of the Duchy of Lancaster; and on the 23d of October, "as the Queen came from the chapel, she created my Lord Admiral Earl of Nottingham. . . . Her Majesty made a speech unto him in acknowledgment of his services, and Mr. Secretary read the letters patents aloud, which were very honorable: all his great services recited in anno 88, and lately at Calcs. He was to take his place *ut Comes de Nottingham*, for so were the words in his patent." This Lord Admiral was Charles Baron Howard of Effingham; a man more than twice as old as Essex, who had never been his enemy, who had done good service and held high offices in peace



and war before Essex was a man, and was now too old for active work at sea. It seems strange that a man who had any real nobleness of nature (as Essex certainly had) should have looked upon the honoring of such a person only as a wrong to himself: stranger still, that at the distance of two hundred and fifty years admiring biographers should repeat the complaint and parade the injury, without seeing what an unworthy thing they are making of him. About the fact, however, I fear there is no doubt. Such imputations, when they only rest on popular report, I am apt enough to discredit. Friends as well as enemies impute to others the feelings which in like circumstances would have been their own. And the offense which Essex is reported to have taken at Sir Robert Cecil's appointment has, I dare say, no better foundation. But in the case of the Lord Admiral the trial was harder and the evidence is more circumstantial. His elevation touched Essex personally in two points. The glory of the Cadiz action was regarded by him as his own exclusive property. It was true that Edlingham, being commander-in-chief by sea, held an equal position: and in a victory by land and sea forces combined, the honor would naturally be shared equally by both, which the patent expressed. Nevertheless, in popular opinion and in his own, Essex had been the sole hero of that victory; and all that the others had done was to hinder him from following it up by capturing the treasure-fleet on its return; so that to attribute to the Lord High Admiral a joint share in the action, was to cancel half his property in it. But besides this, the patent involved by consequence a question of precedence. By the 31 Hen. VIII. c. 10, certain officers, among whom was the Lord High Admiral, took precedence of all other personages of the same degree. Consequently the Lord High Admiral, who while he was a baron sat below the Earl of Essex, now that they were both earls, would sit above him.

These indignities were too much for his spirit. He would not appear in Parliament, in Council, or in Court. On the Queen's Day (17th of November) he was reported to be very sick. On the 30th he was still keeping aloof. On the 21st of December, however, we are told that "the gallant Earl doth now show himself in more public sort than he did; and he is purposed to have the patent of the late-created earl altered, who absolutely refuses to consent to it." "The Queen," it seems, "by this patience and long-suffering of my Lord Essex, was grown to consider and understand better the wrong done unto him." "I hear" (continues the same reporter, in the next paragraph of the same letter) "that my Lord Essex desires to have right done unto him, either by a commission to examine it, or by combat either against the Earl of Nottingham or any of his sons or of his name that will defend it. Or that her Majesty will please to see the wrong done unto him; and so will he suffer himself to be commanded by her as she please herself. Here is such ado about it, as it troubles this place and all other proceedings. Sir Walter Raleigh is employed by the Queen to end this quarrel and to make an atonement between them. But this is the resolution of Lord Essex, not to yield but with altering the patent, which cannot be done but by persuasion to bring the Earl of Nottingham unto it."

I give the story in the words of the contemporary reporter (who writes simply and seriously, without any touch of irony), because it is difficult to tell it in one's own without some color from the feeling which it excites. But that this was the real ground of offense seems indisputable, especially when we correct the narrative by introducing a fact which the writer did not then know of, but which supplies the true explanation of Essex's reappearance in public. Among the offices which gave precedence above all persons of equal degree, that of Earl

Marshal came before that of Lord High Admiral. Now, on the 18th of December, three days before, Essex had been created by patent Earl Marshal of England, and he was happy again.

In Rawley's edition of Bacon's "Collection of Apophthegms"<sup>1</sup> we find the following anecdote: "A great officer at Court, when my Lord of Essex was first in trouble, and that he and those that dealt for him would talk much of my Lord's friends and of his enemies, answered one of them, *I will tell you, I know but one friend and one enemy my Lord hath; and that one friend is the Queen, and that one enemy is himself.*" The truth of the remark could not have been better illustrated than by these last quarrels and the issue of them. It must have been a very singular personal charm which in a temper and judgment like the Queen's could so often prevail over such trials as he put them to. His last quarrel had made him Master of the Ordnance; this has made him Earl Marshal; the very offices which Bacon, in October, 1596, had tried to dissuade him from seeking, as being most likely to bring him into trouble. Judging indeed by the immediate event, it might seem that he knew best what he was about. But to those friends who had watched his proceedings in the meantime, it could only have been a respite from anxiety; one more danger escaped; one more chance of striking into a safer path.

Bacon, whom even the splendid success of Cadiz had not deceived into the belief that war was a fit vocation for him, who had urged him to use that glory as an honorable resting-place, and to aspire after another kind of greatness, could not be altered in opinion by the results of the island voyage. Another chance was now offered, and several accidents concurred to favor it.

Philip II. of Spain had begun to feel that he was dying, and was anxious to wind up his many businesses

<sup>1</sup> Remondino, ed. 1661.

and transmit a settled kingdom to his son. Henry IV. of France was longing to give his kingdom rest after twelve years of war, and try his hand at the arts of peace. He had just retaken Amiens, and finding Philip willing to come to terms, was loath to forego so advantageous an opportunity. But his former necessities had involved him in alliances and obligations with England and the Netherland States, which gave them both a right to interfere. England, as far as she was herself concerned, might have been glad enough to join in a peace; for towards Spain she stood at advantage, while in Ireland she had a difficult business on hand. But she could not leave the States in the lurch, and Spain being released from France would be the harder to deal with. This made it necessary to send a first-rate ambassador to Henry, to represent her case and remind him of his engagements. On which mission Sir Robert Cecil was dispatched in the middle of February, 1597-8. In the meantime the affairs of Ireland had become very critical. The Earl of Tyrone—a man of Irish genius improved by English cultivation, a soldier of tried valor and full of resources, combining with shameless facility in breaking or evading promises past an extraordinary power of inducing people to accept his promises for the future—had now been for three years in open rebellion, suspended only by truces, which the government was at all times only too ready to grant for the purpose of hearing his grievances and his offers of submission. Certain arbitrary proceedings of Sir William Fitzwilliams, who was Lord Deputy from 1590 to 1594, supplied him with some plausible grounds of complaint and some color for alleging fear of personal danger as his motive for taking up arms; upon which he was always ready with a case for the consideration of a new Lord Deputy, and for reference to the English government. Sir John Norreys, the greatest soldier of his time, sent out as Lord General

in 1595, — Sir W. Russell, with whom he did not well agree, being Lord Deputy, — after two years spent chiefly in fruitless negotiations, was by the appointment of a new Lord Deputy with supreme authority for war as well as peace superseded, and died soon after of a broken heart, it was thought; of heart-disease likely enough, for brave men do die of that. Lord Burgh, by whom he was superseded, beginning with a resolution to listen to no treaties, but to march directly against the principal stronghold of the rebellion, died suddenly on the march, thus leaving another interregnum, of which Tyrone knew how to make use. The civil government being now (October, 1597) provisionally entrusted to two Lords Justices, and the command-in-chief of martial affairs to the Earl of Ormond, Tyrone opened afresh his old budget of grievances and promises, and was admitted to a meeting at Dundalk; where, upon offers of submission, protestations of penitence, entreaties for pardon, etc., a truce of eight weeks dating from the 22d of December was accorded, that his case might be had before the Queen.

It was during this time, I suppose, and while these matters were under consideration of the Council in England, that the next letter was written.

The Earl of Essex was now on good terms again with everybody. The Queen (at the instance, it was thought, of Sir Robert Cecil) had on the 10th of February, 1597-98, made him a present of £7,000 worth of cochineal, part of the booty of the island voyage; and on the 15th we hear of his "giving very diligent attendance upon the Queen, and in some sort taking upon him the dispatching of all business, in the absence of the Secretary, that concerns her Majesty's service." This was exactly the position in which Bacon most wished to see him, and although Essex had begun to tire of asking counsel from one who was always advising him *not* to do the thing he

was bent on doing, and had not of late consulted him as he used to do,<sup>1</sup> it seems that he now found or made an occasion to represent to him the value of the opportunity, and exhort him to improve it. The Irish difficulty, unfortunate in all other respects, might prove very fortunate for him if he could be induced to take it by the right handle, that is, to address himself earnestly to it in Council. Bacon had opened the matter to him in conversation, and now followed it up in a letter, which (like several others we shall meet with) has been preserved through two independent channels and in two different forms; one in the collection kept by himself, and printed by Rawley in the "Resuscitatio;" the other in a collection made we do not know by whom, and printed very incorrectly in the "Remains" (1648) and afterwards in the "Cabala" (1654). I imagine that in writing letters of importance, Bacon made first a draft and then a fair copy; that in copying, alterations suggested themselves, which he did not at the time take the trouble to enter in the draft; and that his own collection was made from the drafts, while that in the 'Remains' was from the letters themselves that were sent. The differences are exactly such as would naturally arise under such a process, and therefore both versions are worth preserving.

<sup>1</sup> The estrangement must have begun in the autumn of 1597, if Bacon's resignation, seven or eight years after, can be trusted for the dates. "The difference," he says in his Apology, "between points of honour and matters of blood composed of time a discontentment and privation as in the manner of two men to communicate when they think their qualities are not approved between his lordship and myself, so as I was not called nor allowed with for some year and a half before his lordship's going into Ireland as in former times." Bacon arrived in Dublin on the 15th of April, 1599, about fourteen months after the date of the next letter.

A LETTER OF ADVICE TO THE EARL OF ESSEX, TO  
TAKE UPON HIM THE CARE OF IRISH CAUSES, WHEN  
MR. SECRETARY CECIL WAS IN FRANCE.

MY SINGULAR GOOD LORD, — I do write, because I had no time fully to express my conceit to your Lordship,<sup>1</sup> touching Irish affairs, considering them as they may concern your Lordship; knowing that you will consider them as they may concern the state. That it is one of the aptest particulars<sup>2</sup> for your Lordship to purchase honor upon, I am moved to think for three reasons. Because it is ingenerate in your house, in respect of my Lord your father's noble attempts: because of all the actions of state on foot at this time, the labor resteth most in that particular: and because the world will make a kind of comparison between those that have set it out of frame and those that shall bring it into frame: which kind of honor giveth the quickest kind of reflexion. The transferring this honor upon yourself consisteth in two points: the one, if the principal persons employed come in by you and depend upon you; the other, if your Lordship declare yourself and profess to have a care of that kingdom.<sup>3</sup> For the persons, it falleth out well that your Lordship hath had no interest in the persons of imputation. For neither Sir William Fitzwilhams nor Sir John Norris was yours. Sir William Russell was conceived yours, but was curbed. Sir Coniers Clifford (as I conceive it) dependeth on you, who is said to do well. And if my Lord of Ormond, in the interim, do accommodate things well (as it is said he doth), I take it he hath always had good understanding with your Lordship. So as all things hitherto are not only whole and entire, but

<sup>1</sup> "Because I have not yet had time fully to express my conceit, nor now to attend you." — *R. and C.*

<sup>2</sup> "One of the aptest particulars, that hath come or can come upon the stage, &c." — *R. and C.*

<sup>3</sup> "Declare yourself to undertake a care of that matter." — *R. and C.*



of favorable aspect towards your Lordship, if hereafter you choose well.<sup>1</sup> Concerning the care of the business, the general and popular conceit hath been, that Irish causes have been much neglected; whereby the reputation of better care will put life into them.<sup>2</sup> But for a beginning and key to that which shall follow, it were good your Lordship would have some large and serious conference with Sir William Russell, Sir Richard Bingham, the Earl of Tounmond, and Mr. Wilbraham, to know their relation of the past, their opinion of the present, and their advice for the future.

For the points of apposing them, I am too much a stranger to the business to deduce them. But in a general topic, methinks the pertinent interrogations must be, either of the possibility and means of accord, or of the nature of the war, or of the reformation of abuses, or of the joining of practice with force in the disunion of the rebels. If your Lordship doubt to put your sickle into another's harvest;<sup>3</sup> first, time brings it to you in Mr. Secretary's absence: next, being mixt with matter of

<sup>1</sup> The copy in the *Remains* goes on: "Wherein in your wisdom you will remember there is a great difference in choice of the persons, as you shall think the affairs to incline to composition or to war For your care-taking, general and popular conceit," etc.

<sup>2</sup> The *Cabala* (following the *Remains*, with some corrections) gives it thus: "Whereby the very reputation of better care will be a strength. And I am aſſure her Majesty and my Lords of the Council do not think their care diſſolved when they have choſen whom to employ; but that they will proceed in a ſpirit of ſtate, and not leave the main point to diſcretion. Then, if a reſolution be taken, a conſultation [muſt proceed, and the conſultation] muſt be governed [qy. grounded] upon information to be had from ſuch as know the place and matters in fact; and in the taking of information I have always noted there is a ſkill and a wiſdom. For I cannot tell what account or inquiry hath been taken of Sir William Ruſſell, and of Sir R. Bingham, of the Earl of Thomond, of Mr. Wilbraham. But I am of opinion much more would be had of them, if your Lordſhip ſhall be pleaſed ſeverally to confer, not obiter, but expreſſly upon ſome cauſe given to think of it before: for bene docet qui prudenter interrogat.

"For the points," etc.

<sup>3</sup> "Yet conſider you have theſe advantages. Firſt, time being fit to you in Mr. Secretary's abſence: next *vis unita fortior*; thirdly, the buſineſs being mixed with matters of war, it is fitteſt for you," etc. — *Cab.*

war, it is fittest for you: and lastly, I know your Lordship will carry it with that modesty and respect towards aged dignity, and that good correspondence towards my dear kinsman and your good friend now abroad, as no inconvenience may grow that way.

Thus have I played the ignorant statesman, which I do to nobody but your Lordship: except to the Queen sometimes when she trains me on. But your Lordship will accept my duty and good meaning, and secure me touching the privateness of that I write.

Upon this advice the Earl appears to have been disposed to act; and accordingly to have communicated to Bacon the last intelligence from Ireland, and asked his opinion.

But by this time the negotiation had advanced a step further. Tyrone's case had been considered, and the Earl of Ormond had been instructed as to the terms upon which his pardon would be granted. "And now at another meeting at Dundalk, on the 15th of March, the Lord Lieutenant signified to Tyrone that her Majesty by his humble submission had been induced again to receive him to mercy, and to give him and all the inhabitants of Tyrone her gracious pardon, upon conditions following:—

1. That he renew his humble submission to the Lord Lieutenant in some public place.

2. That he promise due obedience of a subject, and not to intermeddle with the Irish, nor his adherents, not only hereafter, but now; leaving them to themselves, that they may become humble suitors for their own pardons: in which case it is promised them also.

3. That he disperse his forces upon receipt of his pardon, and dismiss all strangers, Irish, Scots, or others.

4. That he renounce the name and title of O'neale.

5. Not to intermeddle with her Majesty's Vraughts

(so the Irish call the bordering lords, whom the Ulster tyrants have long claimed to be their vassals).

6. That he build up again, at his own charges, the fort and bridge of Blackwater, and furnish the soldiers with victuals, as formerly he did.

7. That he deliver to the Lord Lieutenant the sons of Shane Oneale, who were her Majesty's prisoners; till breaking out they fell into his hands, and were imprisoned by him.

8. To declare faithfully all intelligence with Spain, and to leave it.

9. That he receive a sheriff for Tyrone, as all other countries do.

10. That he put in his eldest son for pledge, and at all times come to the State, being called.

11. That he pay a fine in part of satisfaction for his offense, according to her Majesty's pleasure.

12. That he aid no rebel, nor meddle with the inhabitants on the east side of the Ban; yet so as he may enjoy any lands or leases he hath there.

13. That he receive not any disloyal person, but send such to the chief governor."

Of these articles Tyrone took exceptions to the 5th, 7th, 9th, 10th, and 13th. Such duties as the Vriaghts yielded since his grandfather's time were all he desired of them: but these he still claimed. To receive a sheriff he did not altogether refuse — provided he were a gentleman of the county: but "craved forbearance for a small time." The sons of Shane Oneale, whom (being the true heirs of the Earldom till it was forfeited by their father's rebellion) it was important to him to keep, he refused to deliver up — "because he had not those prisoners from the State." He refused to give his eldest son for a pledge: and stipulated that he should not deliver up to the State any man "who came to him for cause of conscience." To the rest, with some trifling

reservations, he agreed. Only he asked for some delay, in order that "the lords, his associates, might have time to assemble, according to the second article, "that they might therein lay no imputation on him:" -- whereupon the Lord Lieutenant granted him further day till the 10th of April following: at which time he pledged himself, whether they appeared or not, to make his own submission.

The result of this conference was of course immediately reported to the government at home, and it seems that the Council in Ireland (having had old experience of Tyrone's ways) were disposed to advise that the treaty should not on these conditions be proceeded with. Such I suppose was the question now before the Council in England, -- such the state of things upon which Essex now asked for Bacon's advice. The next letter contains his answer, and must be supposed therefore to have been written about the end of March, 1598.

A LETTER OF ADVICE TO THE EARL OF ESSEX, UPON THE FIRST TREATY WITH TYRONE, 1598, BEFORE THE EARL WAS NOMINATED FOR THE CHARGE OF IRELAND.

MY VERY GOOD LORD, -- Concerning the advertise-ments which your Lordship imparted to me touching the state of Ireland, for willing duty's sake,<sup>1</sup> I will set down to your Lordship what opinion sprang in my mind upon that I read.

The letter from the council there, leaning to mistrust and to dissuade the treaty,<sup>2</sup> I do not much rely on for three causes. First, because it is always the grace and

<sup>1</sup> The copy in the *Remains* and the *Cabals* begins thus: "These advertise-ments which your Lordship imparted to me, and the like, I feared to be to much credit, to make judgment upon them a private matter to a private man, that I saw for my own sake was to make a judgment were I dead like a foolish knight in the lurch of the Birkets yet for willing duty's sake," etc.

<sup>2</sup> Leaning to distrust, I do not, etc. -- R. and C.



winning the people from them by justice: which of all other courses is the best.

Now for the Athenian question; you discourse well, *Quid igitur agendum est?* I will shoot my fool's bolt, since you will have it so. The Earl of Ormond to be encouraged and comforted. Above all things, the garrisons instantly to be provided for. For opportunity makes a thief, and if he should mean never so well now, yet such an advantage as the breaking of her Majesty's garrisons might tempt a true man. And because he may as well waver upon his own inconstancy as upon occasion (and wanton variableness is never restrained but by fear), I hold it necessary he be menaced with a strong war, not by words, but by musters and preparations of forces here, in case the accord proceed not: but none to be sent over, lest it disturb the treaty, and make him look to be over-run as soon as he hath laid away arms. And but that your Lordship is too easy to pass in such cases from dissimulation to verity, I think if your Lordship lent your reputation in this case,—that is, to pretend that if peace go not on, and the Queen mean not to make a defensive war as in times past, but a full reconquest<sup>1</sup> of those parts of the country, you would accept the charge,—I think it would help to settle Tyrone in his seeking accord, and win you a great deal of honor *gratis*.

And (that which most properly concerns this action, if it prove a peace) I think her Majesty shall do well to cure the root of the disease; and to profess, by a commission of peaceable men of respect and countenance, a reformation of abuses, extortions, and injustices there:

<sup>1</sup> The copy in the *Remains* has "It is to pretend that if not a defensive war as in times past but a full reconquest of those parts of the country, you would accept the charge."

The *Codex* gives "It is to pretend that if not a defensive war as in times past but a full reconquest of those parts of the country be resolution, you would accept the charge." Which looks like a conjectural emendation.

and to plant a stronger and surer government than heretofore, for the ease and protection of the subject. For the removing of the sword or government in arms from the Earl of Ormond, or the sending of a deputy (which will eclipse it, if peace follow), I think it unreasonable.<sup>1</sup>

Lastly, I hold still my opinion (both for your better information, and the fuller declaration of your care and meddling in this urgent and meriting service) that your Lordship have a set conference with the persons I named in my former letter.

What part Essex took in the subsequent deliberations I do not know, nor have we any detailed account of the measures which were taken in the exigency. We hear only that about the middle of March, Sir Thomas Cecil, Sir William Russell, Sir Walter Raleigh, and Sir R. Bingham, were called and consulted: that order was taken for sending corn and victual: that there was talk of sending out as deputy either Sir W. Russell, who "absolutely refused to go," or Sir Walter Raleigh, who "did little like it;" and that up to the 22d of March, no dispatch had been made of deputy or forces. The main issue, however, must have been an instruction to proceed with the treaty, and accept Tyrone's submission upon the terms proposed: for we learn from Moryson that "at the instance of the Lord Lieutenant, the Lords Justices caused Tyrone's pardon to be drawn and sealed with the great seal of Ireland, bearing date the 11th of April."

So much Bacon, it seems, would have approved. But I do not find that anything was done either to provide for the garrisons, or to keep Tyrone in order by the mustering of forces in England, or to detach the people from him by the public manifestation of an intention to reform abuses in Ireland. At any rate, whatever was done was not enough, as things turned out; for before winter the whole country was in revolt.

<sup>1</sup> So *Ramus*. The MS. has *unreasonable*.



The truth I suppose is, that the negotiation with France, which was going on at the same time and not going on at all successfully, distracted the Queen's attention from Ireland, and both the menace of war which was to awe Tyrone, and the commencement of reformation which was to detach the people, were put off too long.

Sir Robert Cecil returned at the end of April, unsuccessful. But though the King of France could not be dissuaded from making a separate treaty with Spain, he accompanied it with a stipulation that England should be invited to join, if she were so disposed. This led to warm debates at the English council-board between the peace-party, represented by Burghley, and the war-party, represented by Essex. Bacon's opinion on the particular question which was in agitation has not been recorded. It is probable however that he approved of peace, and certain that he must have disapproved of the temper and method in which Essex was proceeding; who was now once more on the brink of his favorite precipice, and would naturally be indisposed to seek counsel in a quarter from which he knew he could expect no encouragement. That he should take a leading part in the choice of an officer for Ireland, and should even make a point of securing, if he could, the employment of one of his own party, was natural, and in accordance with Bacon's former advice. But if the report be well founded — and it rests upon better authority than such reports usually do — that he quarrelled with the Queen for proposing to send his uncle, Sir William Knollys, and insisted on the appointment of Sir George Carew, only because being on bad terms with him he wished to remove him from the Court; still more, if it be true that upon no worthier quarrel than that he turned his back upon her in a manner so insulting that she was provoked to strike him; whereupon taking fire in his turn he laid his own hand

on his sword, swearing that he neither could nor would swallow such an indignity, and would not have endured it from Henry VIII. himself, and so retired in dodgeon from the Court, refusing to make any submission: if all this be true, it is clear that he was going headlong in a course the direct opposite of that which Bacon had always urged upon him. Such however is the story, as gravely and dispassionately told by Camden,<sup>1</sup> who may have heard the scene described by those who saw it, — for it is stated to have taken place in the presence of Lord Nottingham, Sir Robert Cecil, and Windebank, — a story never I believe contradicted; and confirmed, in the earlier part of it, by one of the “brief notes and remembrances” found among the papers of Sir John Harington, who was one of Essex’s friends.<sup>2</sup> Nor is it to be denied that it is quite in the *spirit* of his former proceedings, only more reckless and intemperate. The exact date of this outbreak is not stated: and the cause and issue of the quarrel which followed is only to be gathered from scraps of Court news, which cannot be arranged into a consistent tale. It seems probable, however, that the scene at Court took place in June or July, 1598; and that four or five months passed in ineffectual endeavors on the Queen’s part to extract from him some apology or submission which might open the door to reconciliation, and in moody discontent and wallings as of a much injured man on his; till, about the end of October, the absolute necessity of agreeing upon some course for the reduction of Ireland to obedience (the condition of which I shall have to treat more at large in another chapter) overruled smaller matters, and so they made it up. Not

<sup>1</sup> Camden, *Ann. reg.*, p. 771.

<sup>2</sup> “Note how little much will a man even benefit his enemy, provided he doth put his suit of his own way. My Lord of Essex, as lately what Sir Thomas Catesby to be Lord Justice of Ireland rather than his own uncle Sir William Knollys: because he had given him some small offense, and by this means he was into high office he would remove him from Court. — *Noble Antiquary*, p. 471.

however, as on former occasions, with satisfaction on both sides, and some substantial object gained on the Earl's; for this last offense was but imperfectly digested by either. The reconciliation, such as it was, cannot be dated earlier than the 18th of October, if that be the true date of Essex's well-known letter to the Lord Keeper; but I suppose it took place not long after. And then it probably was that Bacon's next letter was written; though my only ground for assigning this date to it is that it suits so well with the circumstances.

#### TO MY LORD OF ESSEX.

IT MAY PLEASE YOUR LORDSHIP,—That your Lordship is in *statu quo prius*, no man taketh greater gladness than I do; the rather, because I assure myself that of your eclipses, as this hath been the longest, it shall be the last.<sup>1</sup> As the comical poet saith, *Neque illam tu autem noveras, neque te illa; hoc ubi fit, ibi non vicitur.*<sup>2</sup> For if I may be so bold as to say what I think, I believe neither your Lordship looked to have found her Majesty in all points as you have done, neither her Majesty perceived to find your Lordship as she hath done. And therefore I hope upon this experience may grow more perfect knowledge, and upon knowledge more true consent; which I for my part do infinitely wish; as accounting these accidents to be like the fish *Remora*; which though it be not great, yet hath it a hidden property to hinder the sailing of the ship. And therefore as bearing unto your Lordship, after her Majesty, of all public persons the second duty, I could not but signify unto you my affectionate gratulation. And so I commend your good Lordship to the best preservation of the Divine Majesty.

From GRAY'S INN.

<sup>1</sup> *Let it increase.*

<sup>2</sup> So in the original. The passage is in Terence's *Heautoucomimenus*, l. 1, where the last clause may be thus, "*hæc ubi fit, ibi non vicitur.*"

That the circumstances of this last quarrel had altered the relation between Essex and the Queen was most true. But Bacon's hope that it would prove an alteration for the better — which was really perhaps an expression of his fear that it would prove otherwise — was not destined to fulfill itself. The Queen indeed, though her affection had received another mortification and her judgment another warning, retained her affection still, and would have gladly taken him back upon any reasonable assurance of good behavior. But in Essex the season of good behavior was past. "Ambitious men," says Bacon, "if they rise not with their service, they will take order that their service fall with them." Prosperity had made him such as we have seen him hitherto: what effect adversity was to have upon him — if such mortifications as he had now to endure can be dignified with the name of adversity — we shall see shortly. For the present we must leave him in a state of partial reconciliation, with the sound of Bacon's voice in his ear, hoping that his better knowledge may guide him into a safer course.

### CHAPTER III.

A. D. 1598-1599. *ÆTAT.* 38-39.

THE poverty which in the summer of 1597 was still coming on Bacon like one that travelleth, came in the autumn of 1598 like a sheriff's officer. A money-lender who held his bond for £300 had sued him for it in Trinity Term of that year, but agreed to "respite the satisfaction" till the beginning of the term next ensuing. A full fortnight, however, before Michaelmas Term began (without any warning and upon what pretence we are not informed), he served an execution upon him and had him arrested as he came from the Tower, where he was engaged in business of the learned counsel; in which he seems now to have taken his part, though a subordinate one, as a matter of course.

All we know of the case is contained in the two next letters, which I leave to tell their own story. The originals were found by Murdin in the Hatfield collection of state papers, and communicated by him to Birch, who included them in a volume entitled "*Letters, Speeches, etc., of Francis Bacon,*" published in 1763; from which they are here taken.

TO SIR ROBERT CECIL, SECRETARY OF STATE.

IT MAY PLEASE YOUR HONOR,— I humbly pray you to understand how badly I have been used by the enclosed, being a copy of a letter of complaint thereof, which I have written to the Lord Keeper. How sensitive you are of wrongs offered to your blood in my par-

ticular, I have had not long since experience. But herein I think your Honor will be doubly sensitive, in tenderness also of the indignity to her Majesty's service. For as for me, Mr. Sympson might have had me every day in London; and therefore to belay me, while he knew I came from the Tower about her Majesty's special service, was to my understanding very bold. And two days before he brags he forbore me, because I dined with sheriff More. So as with Mr. Sympson, examinations at the Tower are not so great a privilege, *cundo et redeundo*, as sheriff More's dinner. But this complaint I make in duty; and to that end have also informed my Lord of Essex thereof; for otherwise his punishment will do me no good.

So with signification of my humble duty, I commend your Honor to the divine preservation. From Coleman Street, this 24th of September (1598).

At your honorable command particularly,

FR. BACON.

TO SIR THOMAS EGERTON, LORD KEEPER OF THE  
GREAT SEAL.

IT MAY PLEASE YOUR LORDSHIP, — I am to make humble complaint to your Lordship of some hard dealing offered me by one Sympson, a goldsmith, a man noted much, as I have heard, for extremities and stoutness upon his purse; but yet I could scarcely have imagined he would have dealt either so dishonestly towards myself, or so contemptuously towards her Majesty's service. For this Lombard (pardon me, I most humbly pray your Lordship, if being admonished by the street he dwells in, I give him that name) having me in bond for £300 principal, and I having the last term confessed the action, and by his full and direct consent resquested the satisfaction till the beginning of this term to come, without ever giving me warning either by letter or message, served an

execution upon me, having trained me at such time as I came from the Tower, where Mr. Waad can witness, we attended a service of no mean importance. Neither would he so much as vouchsafe to come and speak with me to take any order in it, though I sent for him divers times, and his house was just by ; handling it as upon a despite, being a man I never provoked with a cross word, no nor with many delays. He would have urged it to have had me in prison ; which he had done, had not sheriff More, to whom I sent, gently recommended me to an handsome house in Coleman Street, where I am. Now because he will not treat with me, I am enforced humbly to desire your Lordship to send for him, according to your place, to bring him to some reason ; and this forthwith, because I continue here to my further discredit and inconvenience, and the trouble of the gentleman with whom I am. I have an hundred pounds lying by me, which he may have, and the rest upon some reasonable time and security ; or, if need be, the whole ; but with my more trouble. As for the contempt he hath offered, in regard her Majesty's service, to my understanding, carrieth a privilege *cundo et redeundo* in meaner causes, much more in matters of this nature, especially in persons known to be qualified with that place and employment, which, though unworthy, I am vouchsafed, I enforce nothing ; thinking I have done my part when I have made it known ; and so leave it to your Lordship's honorable consideration. And so with signification of my humble duty, etc.

The service in the Tower from which Baron was returning when thus interrupted, and of which Mr. Waad could witness the importance, was no doubt the examination (taken on the 23d of September, 1598, before Peyton, Waad, and himself) of John Stanley.

The case under investigation was one of those conspira-



cies for the assassination of Elizabeth, got up by the Popish refugees in Spain, which had become so frequent of late years; and of which (as they all failed, some through the vigilance of the Government, and some, like the present, from the weakness of the means employed) it is difficult in a world so changed to feel the true importance in relation to the business of that day. It has become the fashion, upon a general assumption that the Government by the control they had over the evidence could convict anybody of anything, and that they used their power without any scruple, to treat all such stories with contempt. But if the records show that evidence was in those days both obtained and used in a manner which would not now be thought fair, they show also that a vast deal of labor and ingenuity was spent in extracting it; and that when a man was arrested on suspicion of treason his trial and conviction did not by any means follow as a matter of course. Long delays intervened. Sheets upon sheets of interrogatories were carefully drawn up. All the answers were taken down in writing and authenticated by the signatures of all the examiners present. Fresh evidence was taken upon the hints derived from what had been obtained before. Often it happened that this evidence was not found sufficient, and the charge was dropped. Often, after public trial and conviction, a history of the case was put forth for public satisfaction. All which implies that the authorities of those days were careful of their reputation for justice, anxious in all public proceedings of that nature to have the feeling of the people with them, and differed from ourselves rather in the way they went about it than in respect for the thing.

The case then under investigation was an attempt to poison the Queen, which had been made in July, 1597, by one Edward Squire and failed; and about which no suspicion had been raised at the time. It was not till

May, 1598, I believe, that the Government heard of it; not till October that they made the story out. A strange story, and in some parts hard to believe: but certainly resting upon admissions made by the accused party under cross-examination, which it is still harder to account for if they were false. As a fact in the history of criminal proceedings, it is still a curiosity worth preserving. And it happens to have been preserved in a manner which gives it a literary interest as well.

Early in 1599 there appeared from the press of the Queen's printer a pamphlet, purporting to be a letter written by a gentleman in England to a friend in Padua, giving a full account of it: and though the writer's name was not mentioned, I have no doubt, judging by the style, that it was written by Bacon. Whether it was really a private letter, a copy of which being shown to the Queen, she resolved to have it printed by authority (which is not unlikely, for both the Bacons had correspondents in Italy, who used to send them "relations" of affairs there); or whether it was originally drawn up for publication, the form of a private letter being chosen to avoid the appearance of a "too curious and striving apology,"<sup>1</sup> I cannot say; nor is it a matter of any consequence. A copy was sent to Dudley Carleton, the Bishop's brother, by Chamberlain, on the 1st of March, 1598-9: with the remark that it was "well written," but without any speculation as to the writer. In ascribing it to Bacon I rely entirely on the internal evidence — which in this case, however, is to me almost as conclusive as the discovery of a draft in his own handwriting would be. The external evidence goes no further than to show that he was in a position to write it. He was certainly present at many of the examinations: probably present at the trial; and had a right to know everything that he tells. The original examinations and confessions may still be seen in the State Paper Office.

<sup>1</sup> See above, p. 41

Camden, who gives a concise summary of the case in exact accordance with this narrative (probably taken from it), adds that "Walpoole,<sup>1</sup> or some other for him, set forth a book in print, wherein he precisely denied with many detestations all which Squire had confessed." But unfortunately the motives of such a denial are obvious and strong, and some of them of a nature which might seem to a person in Walpoole's position to make it a duty above that of telling truth: whereas if the story told by Squire was false, it is impossible to conceive his motive for telling it. Supposing him to have been really involved in some such conspiracy, I can understand how he may have been induced to acknowledge some part of it, and may thereby have entangled himself in his own admissions till he had no escape. But if the story was all false, what possible inducement could he have for inventing it? He was merely spinning a rope for his own neck. And besides this difficulty (which seems to me insuperable), the principles avowed by the Jesuits in those days must necessarily deprive their assertions of all value. There may be obligations higher than that of veracity, but he who accepts them must be content to have all his words distrusted. A promise is worth nothing from a man who acknowledges an authority that may release him from it. An oath that he speaks truth is worth nothing from a man who may believe it his duty to declare upon oath that which is false. For my own part I believe the story as here told to be substantially true. Those who think it a fiction (that is to say, the report of a fiction, for the reporter was certainly not the inventor) will still find it interesting for the manner in which it is told. A better specimen of the art of narration it would be difficult to find. And it is interesting besides as showing Bacon's idea (for I suppose those who

<sup>1</sup> Father Richard Walpoole, a Jesuit, charged with being the "deviser and suborner" of the conspiracy.

are most familiar with his acknowledged writings in this kind will be least inclined to doubt that it is his work) of the manner in which such cases ought to be treated, cases in which the conduct of the government was sure to be misrepresented by an interested faction.

We return now to the affairs of the Earl of Essex; whom we left in a state of partial recovery from his last and most serious fit of disgust; again in attendance at Court and Council, and received by the Queen; but upon the new and indigestible condition of giving instead of receiving satisfaction, making submissions instead of extorting boons.

Tyrone had broken faith so often and so often received pardon upon promise not to break it again, that he had come at last to regard both as matters of course. This last treaty, not being backed by preparations for effectual chastisement in case of breach, appears to have been simply ignored. What pretences he alleged we are not informed. Moryson only says, "Tyrone wanted not pretences to frustrate the late treaty, and to return to his former disloyalty; and the defection of all other submitters depending on him followed his revolt." And certainly his engagement to repair the fort of Blackwater and furnish the garrison with victual can hardly have been two months old, when having in vain tried to take it by assault he was proceeding to reduce it by famine.

It was in marching to the relief of the brave little band who held it, that the English first learned how rapidly the natives were improving in the art of war; a lesson which England has had to learn many times since in many parts of the world by the same kind of teaching. The siege had lasted so long that the garrison were feeding on the vegetation of the walls and ditches, when Sir Henry Bagnall, Marshal of Ireland, "with the most choice companies of foot and horse troops of the English army," was sent to relieve them. Having to pass among

hills, bogs, and woods, the force got separated, and Tyrone taking his advantage, charged the foremost body, killed the Marshal, and in the end gained a complete victory. Thirteen captains and fifteen hundred soldiers were slain on the field, and the rest fell back upon Armagh; whereupon the garrison, having first learned that there was no further hope of succor, yielded up the fort.

"By this victory" — which happened on the 14th of August — "the rebels" (says Moryson) "got plenty of arms and victuals; Tyrone was among the Irish celebrated as the deliverer of his country from thralldom, and the combined traitors on all sides were puffed up with intolerable pride. All Ulster was in arms, all Connaught revolted, and the rebels of Leinster swarmed in the English pale: while the English lay in their garrisons, so far from assailing the rebels, as they rather lived in continual fear to be surprised by them." In October Munster followed the example.

After this, it was clear that the case of Ireland could no longer be allowed to wait upon Court quarrels. The Council had recently suffered a great loss both in brains and heart by the death of Burghley a fortnight before. Sir Robert Cecil's abilities, though great, were not of that simple and direct kind which gives a natural ascendancy and authority in council: nor was he perhaps altogether the man to deal with such a problem as Ireland now presented, if he had been left to himself. Raleigh, who had all the faculties for it, is for some reason or other not heard of at this juncture. I fancy he kept aloof, knowing that such a business could not be undertaken with any chance of success, except by a man who had the advantage both of popularity in the country and a commanding party in Court and Council: and he had had taste enough of Essex's disposition towards rivals in general and himself in particular, to know what sort of support he was likely to receive from a Council swayed

by him. Essex himself was as yet in no humor to help, though still powerful to hinder. He had refused to give counsel when last called to the Lord Keeper, unless he might be first heard by the Queen herself. On hearing of the disaster of Blackwater he had posted up and made offer of his advice, but only (it seems) on the same condition.<sup>1</sup> And though he succeeded in obtaining access in the course of the next month, it was not till after the 18th of October (according to Camden's account) that "he became more submiss, and obtained pardon; and was received again of her into favor."

Of the occasion and process of his recovery I find no news. But I am inclined to think that a second blow of ill luck in Ireland had something to do with it. On the 24th of August, a fortnight after the Blackwater disaster, we learn from Chamberlain that he was still out of favor, "though he had relented much and sought by divers means to recover his hold: but the Queen said he had played long enough upon her, and that she meant to play awhile upon him, and to stand as much upon her greatness as he had done upon his stomach." On the 12th of September (as I learn from a letter of Toby Matthews) he saw the Queen for the first time since the quarrel, and was supposed to be in favor again. Yet the reconciliation cannot have been a very sound one; for the letter of remonstrance addressed to him by Egerton and his reply (18th October) show that the old wound was still as sore as ever, and that he was then standing on terms little short of defiance.

Now it must have been about this time that the case of Ireland assumed a new aspect. Upon news of the death of Sir Henry Bagnall at Blackwater, Sir Richard Bingham — "a man," says Camden, "of all others the most valiant and fortunate against the rebels" — had been sent over to take his place as Marshal of Ireland

<sup>1</sup> See his own Letter, printed in the *Lives of the Earls of Essex*, i., 496.

and General of Leinster. But Sir Richard had hardly arrived in Dublin when he died. This was another great loss to the government and great encouragement to the rebellion, which was rapidly spreading on all sides. The reconquest of Ireland became now the main problem of the time, and could only be accomplished by a strong effort and a large army. Whoever commanded that army would be the chief man of the day : would draw the eyes of all soldiers upon him while the action was in progress, and if he succeeded, would have done a much greater thing than the capture of Cadiz. Now it must be confessed that if Essex could be content to see any one else in such a position as that, he was within the last twelve-month a much altered man ; and I cannot help suspecting that it was this apprehension which overcame his disgusts and induced him to make the necessary submission. Certain it is that only two days after the date of that letter to Egerton, — a letter breathing of anything but submission, — a report was abroad that he meant to take the charge of Ireland upon himself ; and from that time the rumor which had previously assigned it to Lord Montjoy died away, no one but he was spoken of for the appointment, and the delays arose not from the pretensions of any competitor or from any hesitation in himself, but from the difficulty of satisfying him as to the conditions. The truth is, he found that if he held out longer the service would be committed to another man. While he was still nursing his grievance and refusing to attend, Lord Montjoy had been fixed upon ;<sup>1</sup> a man singularly qualified for the office, as appeared afterwards ; and one also whom Essex (ever since he quarreled and fought with him, some ten years before, for wearing a

<sup>1</sup> "When the Earl of Essex went Lord Lieutenant into Ireland the Lord Montjoy was first named to that place, whereupon by our brother Sir Richard Mayne's counsel, so much to him, I then attended his excellency's promise to follow him to Ireland." *M. Essex*, p. 84. It is clear therefore that the selection of Lord Montjoy was more than a rumor.



Queen's favor in the tiltyard) had reckoned among his friends. But it was now some time since Essex had been able to continue on terms of friendship with any man who stood in a position to be in any way his competitor; and all accounts agree that it was by his influence that the nomination of Montjoy was canceled and the task laid upon himself.

That he disliked the service at all is by no means clear to me. If he did, he disliked still more that another man should be entrusted with it. But whether he liked it or not, he was to go; and before he went, if not before he had finally resolved on going, he asked Bacon's advice. The time is not known. If I have guessed the occasion of Bacon's last congratulatory letter right,<sup>1</sup> it may have been then, and that letter may have suggested the communication. At any rate it seems to have been while there was yet time for consideration. What Bacon was likely to think of such a project may be inferred from the significant qualification with which he guarded the suggestion thrown out in his last letter of advice,—written when he hoped that the rebellion would be quelled without a war. “And (says he) *but that your Lordship is too easy to pass in such cases from dissimulation to verity*, I think if your Lordship lent your reputation in this case,—that is to pretend that if peace go not on and the Queen mean to make, not a defensive war as in times past, but a full reconquest of those parts of the country, you would accept the charge; I think it would help to settle Tyrone in his seeking accord, and win you a great deal of honor gratis.” Of the value of the loan of Essex's reputation there could be no doubt. His fame in England was at its height, and carried over to Ireland with echoes from every side, would no doubt sound still louder there than here. Nothing is more likely than that in April, when the rebellion had not

<sup>1</sup> See above, p. 226.

as yet been encouraged by any considerable success, the fear of a royal army under the command of Essex would have made the leaders pause and given healing measures time to work. But it is clear that even then Bacon would not have advised him to put it to the proof — much less now, when the work was so much more arduous, and his own position so much worse by reason of the feelings which his recent behavior had excited in the Queen. Of the advice which Bacon did in fact give we must be content with his own report, there being no other record of it. "Touching his going into Ireland it pleased him expressly and in a set manner to desire mine opinion and counsel. At which time I did not only dissuade but protest against his going; telling him with as much vehemency and asseveration as I could that absence in that kind would exulcerate the Queen's mind, whereby it would not be possible for him to carry himself so as to give her sufficient contentment, nor for her to carry herself so as to give him sufficient countenance; which will be ill for her, ill for him, and ill for the state. And because I would omit no argument, I remember I stood also upon the difficulty of the action; setting before him out of histories that the Irish were such an enemy as the ancient Gauls or Germans or Britons were; and we saw how the Romans, who had such discipline to govern their soldiers and such donatives to encourage them and the whole world in a manner to levy them, yet when they came to deal with enemies which placed their felicity only in liberty and the sharpness of their sword, and had the natural elemental advantages of bogs and woods and hardness of bodies, they ever found they had their hands full of them; and therefore concluded that going over with such expectation as he did, and through the churlishness of the enterprise not like to answer it, would mightily diminish his reputation; and many other reasons I used, so as I am sure I never in anything in my life-

time dealt with him in like earnestness, by speech, by writing, and by all the means I could devise. For I did as plainly see his overthrow chained as it were by destiny to that journey, as it is possible for a man to ground a judgment upon future contingents. But my Lord, howsoever his ear was open, yet his heart and resolution was shut against that advice."<sup>1</sup>

The questions which arose with regard to the extent of his commission it is not necessary to discuss. If Bacon was consulted about any of them (which I do not think likely) no record remains of his opinion. The amplitude of the authority for which Essex stipulated and the pertinacity with which he insisted on his demands is said to have been remarked at the time as strange and even suspicious. "In such sort did he bear himself," says Camden, "that he seemed to his adversaries to wish nothing more than to have an army under his command and to bind martial men unto him; and that with such earnest seeking that some feared lest he entertained some monstrous design, especially seeing he showed his contumacy more and more against the Queen, that had been most bountiful to him." And certainly considering the temper he was in, the sense of injury which he was still nursing in himself and which was cherished in him by a whole world of sympathizing followers, his long habit of coming a winner out of every dispute with the Queen, and his inveterate tendency to consider every man who crossed him as an enemy to his country as well as to him, it may well be believed that one of the objects which he had now in view was to make himself formidable: which he had the means of doing, because he was in fact formidable already: so much so that the danger of refusing his demands was thought to be (even with the Queen) one of the reasons for granting them.<sup>2</sup>

<sup>1</sup> *Apology*

<sup>2</sup> "He had long been a dear favorite with the Queen: but had of late, and so

Bacon himself was, I think, very far from easy on this head. He had long since warned him of the impression which his favorite courses would sooner or later make on the Queen's mind, whether or not there were any real ground for it: latterly he had begun, I fancy, to suspect that there was juster reason for that impression than there should have been. And now when the Earl was on the point of setting out on the great enterprise, he wrote him a letter, the full significance of which will not be understood without bearing this among other things in mind.

He had in vain advised him to decline an undertaking to which he did not think him equal. His advice had been heard and rejected. All was now settled. Every demand which the Earl made had been conceded: the rather (they say) by the furtherance of his enemies, who foresaw the issue.<sup>1</sup> He was to have a larger army under his command than had ever been seen in Ireland, and larger powers than any deputy had ever been trusted with. The one chance for him now was to be inspired with a due sense of the responsibility of his position; to have his ambition directed into the right channel, and his spirit roused to perform worthily the service which he had, however rashly, undertaken. If he could but be persuaded to lay aside personal aims and emulations, and think only of the public duty with which he was trusted; to make the performance of that his sole aim, and address himself to it earnestly, strenuously, and loyally; he had still a noble alternative before him: the honor and merit of a great achievement if he succeeded; of a faithful endeavor if he failed. In reminding him once more of the

open to his enemies, as he had given them power to make his embarking of military forces and his popular estimation so much unexpected of his sovereign, as his greatness was now judged to depend as much upon her Majesty's fear of him as her love to him." *M. Essex*, p. 26.

<sup>1</sup> "Nec quidquam in cunctis habuit quod offensa, ne dicam insolentia, adversariis suis periret et innotaret." *ibid.* A comment certainly contrasting with Essex's own complaints, the unvarying burden of which is that whatever he asks for is refused.

dangers which awaited him, to rouse his ambition to encounter and overcome them, is the task to which Bacon now addressed himself. He looks on all sides for hopeful prognostics: tries to see them in the rareness of the opportunity, an occasion forced on as it were by Providence for reducing and settling the whole kingdom of Ireland: in the badness of the cause he was going against, three of the unluckiest vices of all others: Disloyalty, Ingratitude, and Insolency: in the goodness and justice of the cause he was going to maintain; a recovery of subjects from barbarism to humanity no less than from rebellion to obedience: in the Earl's own character and qualities: in the nature of the present difficulty, as caused by former errors: in the greatness of the trust committed to him, which should stimulate him to deserve it: nay, in the very thing which he had before used as an argument of dissuasion (for the same apprehension which alarms the judgment may serve to rouse the courage), namely, the difficulty of the enterprise and the nature of the enemy: all which considerations, in making the merit of success greater might be expected to make the endeavor more strenuous. But in each successive note of encouragement there is heard also a voice of warning, sad and ominous. The vision of success which "some good spirit leads him to presage" is clouded with the presentiment of an approaching catastrophe. And all he can say in the way of advice amounts to no more than a repetition of the old warning, to seek merit, not fame; and to keep within the limits of obedience.

The date of the letter is not given: but I suppose it was written in March, 1599.

A LETTER OF ADVICE TO MY LORD OF ESSEX, IMMEDIATELY BEFORE HIS GOING INTO IRELAND.

MY SINGULAR GOOD LORD, — Your late note of my silence in your occasions hath made me set down these

few wandering lines, as one that would say somewhat, and can say nothing, touching your Lordship's intended charge for Ireland: which my endeavor I know your Lordship will accept graciously; whether your Lordship take it by the handle of [the] occasion ministered from yourself, or of the affection from which it proceeds.

Your Lordship is designed to a service of great merit and great peril; and as the greatness of the peril must needs include a like proportion of merit: so the greatness of the merit may include no small consequence of peril, if it be not temperately governed. For all immoderate success extinguisheth merit, and stirreth up distaste and envy; the assured forerunners of whole charges of peril.<sup>1</sup> But I am at the last point first, some good spirit leading my pen to presage to your Lordship success; wherein, it is true, I am not without my oracles and divinations; none of them superstitious, and yet not all natural. For first, looking into the course of God's providence in things now depending, and calling to consideration how great things God hath done by her Majesty and for her; I collect he hath disposed of this great defect in Ireland, thereby to give an urgent occasion to the reduction of that whole kingdom; as upon the rebellion of Desmond there ensued the reduction of that whole province.

Next, your Lordship goeth against three of the unluckiest vices of all others, Disloyalty, Ingratitude, and Insolency; which three offenses, in all examples, have seldom their doom adjourned to the world to come.

Lastly, he that shall have had<sup>2</sup> the honor to know your Lordship inwardly, as I have had, shall find *bona exta*, whereby he may ground a better divination of good than upon the dissection of a sacrifice. But that part I leave; for it is fit for others to be confident upon you,

<sup>1</sup> So in *Remonstratio*, Add. MS. 5503 has "the assured forerunners of charges."

<sup>2</sup> Had omitted in MS

and you to be confident<sup>1</sup> upon the cause; the goodness and justice whereof is such as can hardly be matched in any example; it being no ambitious war against foreigners, but a recovery of subjects, and that after lenity of conditions often tried; and a recovery of them not only to obedience, but to humanity and policy, from more than Indian barbarism.

There is yet another kind of divination familiar in matters of state, being that which Demosthenes so often relieth upon in his time, when he saith, *That which for the time past is worst of all, is for the time to come the best; which is, that things go ill, not by accident, but by errors.* Wherein, if your Lordship have been heretofore a waking censor, you must look for no other now, but *Medice, cura teipsum.* And though you should not be the blessed<sup>2</sup> physician that cometh in the declination of the disease, yet you embrace that condition which many noble spirits have accepted for advantage; which is that you go upon the greater peril of your fortune, and the loss of your reputation; and so the honor countervailth the adventure. Of which honor your Lordship is in no small possession, when that her Majesty (known to be one of the most judicious princes in discerning of spirits that ever governed) hath made choice of you (merely out of her royal judgment, her affection inclining rather to continue your attendance) into whose hand and trust to put the commandment and conduct of so great forces; the gathering of the fruit of so great charge; the execution of so many counsels; the redeeming of the defaults of so many former governors; and the clearing of the glory of so many and happy years' reign, only in this part eclipsed. Nay further, how far forth the peril of that State is interlaced with the peril of England, and

<sup>1</sup> So *Cobler*. The words from "upon" to "confident" are omitted both in the MS. and in the *Hermsdalen*.

<sup>2</sup> as of our happy *Resurrection*.



therefore how great the honor is, to keep and defend the approaches or avenues of this kingdom, I hear many discourse; and indeed there is a great difference, whether the tortoise gather herself within her shell hurt or unhurt.

And if any man be of opinion, that the nature of the enemy doth extenuate the honor of the service, being but a rebel and a savage, — I differ from him. For I see the justest triumphs that the Romans in their greatness did obtain, and that wherof the emperors in their styles took addition and denomination, were of such an enemy as this: that is people barbarous and not reduced to civility, magnifying a kind of lawless liberty, prodigal in life, hardened in body, fortified in woods and bogs, and placing both justice and felicity in the sharpness of their swords. Such were the Germans and the ancient Britons, and divers others. Upon which kind of people, whether the victory were a conquest, or a reconquest upon a rebellion or a revolt, it made no difference that ever I could find in honor. And therefore it is not the enriching predatory war that hath the preëminence of honor, else should it be more honor to bring in a carrack of rich burden than one of the twelve Spanish Apostles. But then this nature of people doth yield a higher point of honor, considering the truth and substance,<sup>1</sup> than any war can yield which should be achieved against a civil enemy, if the end may be *pacifique*<sup>2</sup> *imponere morem*, to replant and refound the policy of that nation; to which nothing is wanting, but a just and civil government. Which design as it doth descend unto you from your noble father who lost his life in that action (though he paid tribute to nature and not to fortune), so I hope your Lordship shall be as fatal a captain to this war as Africenus was to the war of Carthage, after that both his uncle and father had lost their

<sup>1</sup> *considered in truth and substance: Remarquant.*

<sup>2</sup> *So all the copies.*

lives in Spain in the same war. Now although it be true that these things which I write, being but representations unto your Lordship of the honor and appearance of success of the enterprise, be not much to the purpose of any advice; yet it is that which is left to me, being no man of war, and ignorant in the particulars of State. For a man may by the eye set up the white right in the midst of the butt, though he be no archer. Therefore I will only add this wish, according to the English phrase, which terms a well-willing advice a wish: that your Lordship in this whole action, looking forward, would set down this position, That merit is worthier than fame; and looking back hither, would remember this<sup>1</sup> text, That obedience is better than sacrifice. For designing to fame and glory may make your Lordship in the adventure of your person to be valiant as a private soldier, rather than as a General; it may make you in your commandments rather to be gracious than disciplinary; it may make you preaction (in respect of the great expectation conceived) rather hastily than seasonably and safely; it may make you seek rather to achieve the war by fine force, than by intermixture of practice; it may make you (if God shall send prosperous beginnings) rather seek the fruition of that honor, than the perfection of the work in hand. And for the other point, that is the proceeding like a good Protestant upon express warrant, and not upon good intention, your Lordship knoweth in your wisdom that as it is most fit for you to desire convenient liberty of instructions, so it is no less fit for you to observe the due limits of them; remembering that the exceeding of them may not only procure in case of adverse accident a dangerous disavow; but also in case of prosperous success be subject to interpretation, as if all were not referred to the right end.

<sup>1</sup> So *Remanetis*. The words from "you" to "this" are omitted in the MS.

Thus have I presumed to write these few lines to your Lordship, in *methodo ignorantia*; which is when a man speaketh of a subject not according to the parts of the matter, but according to the model of his own knowledge; and I most humbly desire your Lordship, that the weakness thereof may be supplied in your Lordship by a benign acceptation, as it is in me by my best wishing.

The Earl set out on the 27th of March, 1599, with great popular expectation and acclamation, but with strange and serious misgivings on the part of other people besides Bacon, among those who had better means of judging. A very confidential letter of advice and warning addressed to Sir John Harington by a friend and kinsman holding some office about the court, and printed in the "Nugæ Antiquæ," gives us a glimpse behind the curtain:—

"I hear you are to go to Ireland with the Lieutenant, Essex. If so, mark my counsel. . . . Observe the man who commandeth, and yet is commanded himself; he goeth not forth to serve the Queen's realm, but to humor his own revenge. . . . If the Lord Deputy performs in the field what he hath promised in the Council, all will be well; but though the Queen hath granted forgiveness for his late demeanor in her presence, we know not what to think hereof. She hath in all outward semblance placed confidence in the man who so lately sought other treatment at her hands; we do sometime think one way and sometime another. . . . You have now a secret from one that wisheth you all welfare and honor; I know there are overlookers set on you all, so God direct your discretion. Sir William Krolles is not well pleased, the Queen is not well pleased, the Lord Deputy may be pleased now, but I sore fear what may happen hereafter." And more in the same strain.

These were conjectures no doubt, drawn from dark hints and rumors of the Court: but they were conjectures formed at the time by lookers-on not personally

implicated, and when questions arise hereafter as to the objects with which Essex undertook and entered upon his task, it is fit they should be remembered. And to me I must confess that however gayly and hopefully he expressed himself to private friends like Harington and Bacon,<sup>1</sup> the tone of his letters to the Government from the very first seems less like that of a man undertaking either a hopeful enterprise with spirit or an unhelpful one with resolution, than of one who is preparing to quarrel with his employers and throw upon them the responsibility for what may happen. All his demands are for increase of strength and authority. As fast as one is granted he makes another. And upon the least demur comes always the querulous warning that if things go wrong it is not his fault. A little before he had proposed to make the Earl of Southampton (a man then under the Queen's displeasure, but entirely devoted to himself) General of the Horse; and when the Queen "showed a dislike of his having any office," he had told her that she might revoke his commission if she would, but if she meant him to execute it "he must work with his own instruments." And now immediately upon his departure, when he was yet no further on his way than Bromley, we find him insisting in the same peremptory fashion upon the appointment of his step-father, Sir Christopher Blount, to a seat in the Irish Council. Sir Christopher was a Roman Catholic, and a man who was ready (as appeared afterwards) to go *almost* all <sup>2</sup> lengths of disloyalty with him. The Queen had agreed that he should accompany him as Marshal of the Army; whereupon Essex applied to have him made a Councillor also; which being refused, he replied that in that case he should not want him, and had therefore sent him back.

<sup>1</sup> "Confessing that your letter of 10. in your last conference with me before your journey, spake us in your good making it good, that you trusted we was, *Quia potest aut*." See further on, p. 272.

<sup>2</sup> Not all; see p. 273.

"I have returned Sir Christopher Blount whom I hoped to have carried over; for I shall have no such necessary use of his hands, as being debarred the use of his head I would carry him to his own disadvantage and the disgrace of the place he should serve in. Hereof I thought fit to advertise your Lordships, that you might rather pity than expect extraordinary successes from me." So he wrote to the Council on the 1st of April; charging the bearer at the same time with a verbal message for the Queen to this effect; he would do his best to discharge both offices himself, but begged that his successor might quickly be sent after him, — for "he that should do two such offices, and discharge them as he ought, should not value his life at many months' purchase." And though he can hardly have meant so petulant a proceeding to be well taken, the offense which it naturally gave was accepted as another grievance. "As for Sir Christopher Blount's ill-success, or rather mine for him, I fear it will be sensible to all my speed when I sue or move for anything. I sued to her Majesty to grant it out of favor, but I spake a language that was not understood, or to a goddess not at leisure to hear prayers. I sued, not for my sake but for her service sake, desired to have it granted; but I see, let me plead in any form, it is in vain. I must save myself by protestation that it is not Tyrone and the Irish rebellion that amazeth me, but to see myself sent of such an errand, at such a time, with so little comfort or ability from the Court of England to effect that I go about." To leave Sir Christopher behind, however, was not his intention. He had not really sent him back; and upon a second letter from the Council, he agreed, though he were "utterly unprovided of all things necessary for such a journey," to take him. "But, my Lords," he added, "it must be all our devout prayers to God and our humble suit to her Majesty that she will be as well served by her vassals as obeyed; and that when she

grants not the ability she will not expect nor exact great performance. For myself, if things succeed ill in my charge I am like to be a martyr for her; but as your Lordships have many times heard me say, it had been far better for her service to have sent a man favored by her, who should not have had these crosses and discouragements which I shall ever suffer. Of your Lordships I do entreat that you will forget my person and the circumstances of it, but remember that I am her Majesty's minister in the greatest cause that ever she had: that though to keep myself from scorn and misery it shall be in mine own power, yet to enable me to reduce that rebellious kingdom of Ireland to obedience lies in her Majesty; for if I have not inward comfort and outward demonstration of her Majesty's favor, I am defeated in England."

All this comes from a man who is setting out at the head of an army of 16,000 foot and 1,500 horse—an army "as great as himself required, and such for number and strength as Ireland had never seen;" carrying with him "three months' pay beforehand, and likewise victual, munition, and all habiliments of war whatsoever, with attendance of shipping allowed and furnished in a suitable proportion, and to the full of all his own demands;" with commission "to command peace or war, to truce, parley, or such matter as seemeth best for the enterprise and the good of the realm;" to pardon all treasons and offenses; to bestow almost all offices; to remove all officers not holding by patent, and suspend such as held by patent; to make martial laws and punish the transgressors; to dispose of the lands of rebels; to command the ships; to issue treasure to the amount of £300,000 by the year, with liberty, by consent and advice of the Irish Council, "to alter that which was signed by the Lords in England,"—provided only that he did not exceed the sum of the establishment;—and all because

one devoted dependent was not to have a seat in Council. Next came complaints about the arrangements for victualling, paying, and recruiting the army, — complaints which must at any rate have been premature, — but expressed in the same style and still ending with the same burden : "compassion I myself shall not greatly need, for whatsoever the success may be, yet I shall be sure of a fair destiny. Only her Majesty and your Lordships must and will, I doubt not, pity Ireland, and pity the army under my charge, lest if you suffer your men in an out ravelin to be lost, you be hardly afterwards able to defend the rampier."

All this, it will be observed, was on the way between London and Beaumaris, before he had arrived at the scene of action, and while his commission was not a fortnight old. And never surely was a formidable enterprise commenced in a humor so inauspicious; a humor which in a man personally brave and constitutionally sanguine is very hard to understand, without supposing that he had something or other in his head besides the faithful performance of it.

Still harder is it without some such supposition to understand his proceedings after he did arrive at the scene of action. Whatever differences of opinion there had been in the Council, upon one point they were all agreed — that the attack was to be upon the heart and stronghold of the rebellion, and that measures were to be taken to keep the mastery when gained: a policy which no one had urged more vehemently than himself. On the 11th of April, when he was on the point of embarking, he had censured the "drawing of the troops into idle miserable journeys, whereby he should find them un-serviceable when he came," as a main error of the Irish Government, requiring his instant presence to correct. On the 15th he landed in Dublin, and called for a report of the state of the country. He found that



the rebel forces amounted altogether to upwards of 18,000 foot and upwards of 2,000 horse; that nearly half of these were in Ulster, the northern extremity of the island, Tyrone's own country, from which the whole rebellion was nourished and spread: that in Leinster, the central province lying round the English pale, there were about 3,000; in Connaught, to the west, about as many more; and in Munster, the southwestern extremity, most distant from the heart of the rebellion, and in which all the cities and port towns, almost all the castles, and many great lords and gentlemen still held for the Queen, — about 5,000: also that Tyrone meant to make two several heads of rebellion, one in Ulster, and the other in Connaught. How then will he begin?

He *proposed* to begin with an attack on Tyrone in Ulster. But being advised by the Council to put it off till the middle of June or the beginning of July, when grass and forage would be more plentiful, cattle fatter, and means of conveyance more complete, he readily acquiesced; and as he acquiesced on this occasion without complaining of crosses and discouragements, I presume that he had no personal inclination the other way. Instead of a march towards Ulster then, a "present prosecution in Leinster, being the heart of the whole kingdom," was resolved on. This resolution having been forwarded to the Council in England on the 28th of April, and allowed by them on the 8th of May, on the 10th he set out — professedly to set on foot this "present prosecution in Leinster." And if six weeks must pass before the main action could be attempted with advantage, it would certainly seem that they might have been well spent in recovering and making secure those parts which lay next to the seat of Government and within easy reach of all resources, — a work which might serve to exercise the army without wasting it. This, however, was not what

he did, or attempted, or apparently ever intended, to do. He began, it is true, with a march through Leinster, for he had to march through it before he could get out of it. But he took his course straight for the borders of Munster. No sooner was he there than he sent word that he had been persuaded by the president of that province "for a few days to look into his government." And thereupon, without waiting for instructions from either Council, he proceeded to march his troops up and down Munster, — to the south as far as Clonmel on the southern border of Tipperary, then to the northeast as far as Askeaton on the northern border of Limerick, then south again as far as Killmallock; thence (the necessities of the army, now short of food and ammunition, obliging him to think of returning) southeast to Dungarvon, and so along the southern and eastern shores to Waterford, to Arklow, and back to Dublin; — forcing his passage everywhere through the rebel skirmishers, who gave way before him and closed after him; taking and garrisoning here and there a stronghold; displaying much personal activity and bravery. — a shining figure still in the eyes of the soldiers and probably in his own; welcomed with Latin orations and popular applause as he entered the principal towns; and writing plaintive letters home about ill-usage and discouragement; <sup>1</sup> but exhausting his troops, consuming his supplies, and getting nothing effectually done; — insomuch that when he returned to Dublin on the 2d of July, — the season when it had been agreed that the great business of the campaign was to begin, — though the grass had grown and cattle were in condition and the means of transport ready, the army (what with marches, skirmishes, garrisons, disease, and decimation) was more than half wasted away, and the remnant greatly discouraged.

<sup>1</sup> "But what I talk of victory or success? Is it not known that from England I receive nothing but discouragements and sad news?" Is it not spoken of

Still as in this matter at least he had taken his own way entirely, his only complaint being that the way he had taken was not better liked at home, to plead inability now to proceed with the appointed work would have been to admit his own error. And therefore, all disadvantages notwithstanding, — disadvantages to whom attributable he does not say, — he professed himself ready to undertake it. "Albeit the poor men that marched with me eight weeks together be very weary and unfit for any new journey, and besides the horsemen so divided that I cannot draw 300 to an head, yet as fast as I can call these troops together I will go look upon yonder proud rebel; and if I find him on hard ground and in an open country, though I should find him in horse and foot three for one, yet will I by God's grace dislodge him, or put the Council to the trouble of choosing a new Lord Justice." This was written on the 11th of July. So that if Tyrone should prove fool enough to quit his position of advantage and risk his cause in a battle on open ground, *something* might yet be done towards the accomplishment of the one object for which Essex had been sent out. He might be beaten back into his woods and bogs.

This it seems was all: but even for this matters were not yet quite ripe. For the recommendation of the Irish Council to employ the interval in making things secure in Leinster having all this time been utterly neglected, it now appeared that there was work to be done there before the Ulster expedition could be commenced. So before the dispatch of the 11th of July could be answered, a second had arrived reporting disorders in Ophaly and Leix which Essex was going in person to subdue.<sup>1</sup> These do not seem to have been so formidable but that a second in command might have been trusted to deal with them,

in the army, that your Majesty's favor is diverted from me," etc., and a page more of the like. Essex to the Queen. June 26.

<sup>1</sup> Camden.

for they were easily suppressed, but they were enough to cause further delay<sup>1</sup> and to reduce yet more the effective strength of the army: insomuch that the Earl now declared he could not go against Tyrone without a reinforcement of 2,000 men. If he expected a denial, which might have served for an excuse, he was disappointed. A reinforcement of 2,000 men from England had been sent in July, and he now received authority to levy 2,000 Irish besides.<sup>2</sup> And though the Irish Council began now to dissuade the enterprise altogether, he was resolved to proceed with it. But first, in order to divide Tyrone's forces, he ordered Sir Conyers Clifford, Governor of Connaught, to make an attack or demonstration upon his western borders — himself, the better perhaps to throw him off his guard on the south and east, remaining still in Dublin. What effect this might have had we cannot know; for at the end of the second day's march Sir Conyers's whole force was, through some of the unaccountable accidents of war, repulsed in a pass by a party of rebels not above a third of their number, himself slain, and the expedition stopped.

By this time August was half spent, and Tyrone had not yet been so much as harassed or put on his defense. But now Essex was really determined to do something. It was time "to pull down the pride of the arch-traitor, to redeem the late scorn of the Curlews (the scene of Clifford's disaster), and hold up the reputation of the army." He must "revenge or follow worthy Conyers Clifford." Ulster was to be invaded at last. And now the Lords, Colonels, and Knights of the army were called into Council, to say "in what sort a present journey

<sup>1</sup> News of the success reached England on the 5th of August. *Syl. Pap.* ii. 113.

<sup>2</sup> "Besides the supply of men then ordered in July, he had authority to raise two thousand Irishmen which he procured by his request of Leonard and John de Courcy for other journey." *Proceedings of the Earl of Essex*. If the late July be correct, the two thousand from England must have been sent upon a previous request.

thither might be made." Their answer was that "they could not with duty to her Majesty and safety of this kingdom advise or assent to the undertaking of *any journey far north*:" their reason being in substance this — that the effective strength of the army being now not more than 3,500 or 4,000 at the most, it would not be practicable to secure any of the objects of such a journey. This report, dated 21st of August, the Earl forwarded to England, — not however as a reason for abandoning the expedition altogether, but by way of preparation for the issue of it. For he still meant to "look upon" Tyrone, and give him the opportunity of having his pride pulled down, if he chose to accept it.

How it came that a two months' campaign in summer without any considerable action had reduced an army of 16,000, lately increased by 2,000 more, to "4,000 at the most," does not appear to have been explained. One explanation which suggested itself was that a large portion had been placed up and down the country in garrisons, in which case it might be forthcoming for other work, though not for this. And the whole story was so strange that the Queen began to suspect some underhand design, and to speak freely of Essex's proceedings as "unfortunate, without judgment, contemptuous, and not without some private end of his own." To Bacon among others she spoke in this strain: whereupon he, who as I have already observed was not without his own apprehensions on that head, and was extremely anxious to withdraw Essex from the means of mischief, took occasion to ask whether it would not be better to send for him and satisfy him with honor at home, and to have him at Court again "with a white staff in his hand as my Lord of Leicester had;" for, said he, "to discontent him as you do and yet to put arms and power into his hand may be a kind of temptation to make him prove cumbersome and unruly."<sup>1</sup> This advice however — whether from

<sup>1</sup> *Apology*

fear to provoke him further, as Camden suggests, or because (as I think more likely) she had gone long enough on the plan of buying off his contumacies with rewards — she did not think fit to follow. She had already (30th July) forbidden him to leave his post without license, and now (taking the precaution of putting the country under arms upon pretense of an apprehended attack from Spain) she resolved to demand from him a strict account of what he had done and what he meant to do.

He in the mean time, having (as I said) for some reason or other resolved to prove to Tyrone that he was not afraid of coming within sight of him, though at the cost of proving that he durst do no more, had taken his usual precaution against interference.<sup>1</sup> Without waiting for the effect of his last intelligence, he made his preparations, and within a week was on his march to fulfill his promise of "looking on yonder proud rebel;" having meanwhile merely sent word to England that he could not spare for the service more than 2,500 men. On the 3d of September he did look upon him; saw him, with a force twice as large as his own, on a hill a mile and a half off, across a river and a wood; and drew up his own army on the opposite hill; next day marched along the plain, Tyrone marching parallel but keeping the woods; then halting for supplies, took counsel; was advised by all not to "attempt trenches" with a force so inadequate, but to content himself with placing a strong garrison in some castle thereabouts, and "*since they were there,*" to draw out one day and offer battle; on the 5th refused an invitation to parley; on the 6th drew out and offered battle on the first great hill he came to, then on the next and the next till he came to the hill nearest the wood; there waited: in vain: Tyrone would not charge up hill

<sup>1</sup> It must have been at this time that he communicated to Blount and Southampton his design of going over to England with his army, — if there be no mistake in Blount's last examination. See, below, p. 202.

(indeed why should he fight at all? had he not by simply staying where he was already in effect defeated the greatest army ever seen in Ireland?), but wanted to speak with him; on the 7th *accepted* an invitation to parley; met the proud rebel at a ford; talked with him privately for half an hour; and finding him reluctant to state upon what conditions he would return to obedience, for fear they should be sent into Spain (!), "was fain to give his word that he would only verbally deliver them;" on that condition heard them; next day concluded a truce with him for six weeks, continuable by periods of six weeks till May-day, and not to be broken without a fortnight's warning; for the performance of the covenants received Tyrone's oath in exchange for his own word; on the 9th "dispersed his army; and went himself to take physie at Drogheda, while Tyrone retired with all his forces into the heart of his country."

Such then was the sum of Essex's achievement. He had not weakened Tyrone by hurting a man or occupying a place of strength or obtaining an advantage anywhere north of Dublin. But he had heard him "open his heart" — learned "where the knot was which being loosed he protested all the rest should follow;"<sup>1</sup> and in the mean time had gained from him a promise upon his oath not to renew hostilities without giving a fortnight's notice.

What more he *hoped* to effect by negotiation afterwards, or what success he might have had, we cannot judge; for Tyrone's promises were not to be committed to paper, and after this he was not himself allowed to do what he pleased. But it is important to observe that up to this point all he had done was both in design and execution his own doing. For though many of his proceedings had been disapproved, he had so contrived that not one of them could be prevented. There is no dis-

<sup>1</sup> Essex's own statement. See farther on, p. 272



pute about any of the facts which I have related ; for I have confined myself to such as were then known and were never contradicted. Those which came out afterwards (when his later actions leading to more diligent inquiry suggested an interpretation of these which had not yet been suspected) will be more conveniently noticed hereafter. It is enough here to remark that the story as it stands is strange—that the course he has taken requires explanation, and is not at all explained by the admitted facts of the case compared with the avowed objects of the campaign. For though I should myself be inclined to make a good deal of allowance for him on the ground of natural incapacity—incapacity to resist the impulse of the moment—and could almost believe that his campaign in Munster was made in good faith, each successive move being suggested by the hope of gaining some prize or the necessity of avoiding some danger near at hand, without due consideration of the main issue ; and that the exhaustion of his forces before the proper business of the campaign had begun really came upon him as a surprise ; yet when I consider the avowed purposes with which he set out, and his reputation as a commander not only with the Government but with the captains of his army (who do not usually like an incompetent general) ; and especially when I read his own letters, which while they complain so piteously of his hard condition in not receiving public and private demonstrations of confidence, show no trace of dissatisfaction with himself or his own proceedings ; I certainly find it hard to believe that an effectual attack upon the stronghold of the rebellion in the North was ever seriously intended by him. He did indeed admit *afterwards*, and by implication, that the Munster journey was an error ; for he excused it as undertaken by advice of the Irish Council against his own judgment. But did he oppose it at the time ? I think not. He was not usually so submissive

to Councils, and if he had seriously disapproved of the postponement of the northern action and told the Queen so, there can be little doubt that the advice of the Irish Council would have been overruled and he would have been instructed to proceed. If on the other hand he assented to their advice upon the grounds by them alleged, he was merely postponing the main service for a month or two, in order that it might be prosecuted more effectually in June or July; and if he found himself then, from whatever cause, without the means of doing anything, he must at least have felt that a fatal error had been committed, — that he stood responsible for nothing less than the utter failure of the whole year's work; and must have been anxious to explain how this happened. The conclusion of such a truce, under such circumstances, he could not possibly regard as anything less than an acknowledgment of defeat. Nobody had ever found any difficulty in bringing Tyrone to terms of truce, nor had any truce ever been concluded with him on terms so much to his advantage. In April, when sixteen thousand men were ready to take the field, the offer of such terms, though impolitic, would have passed for lenity on the part of the government; for the alternative would have seemed to be war, with the chances of success all on that side. But in September, when it was evident that no offensive movement could be attempted, the acceptance of them was an act of moderation on the part of Tyrone. The power of England had been put forth in a great effort, had not succeeded even in distressing him, and did not now dare to attack him, and yet he was content to make the truce. Is it conceivable that a man like Essex, if he really left England in April with an intention to put an end to the rebellion and "achieve something worthy of her Majesty's honor," would in September have condescended to such a conclusion without a sense of humiliation and an acknowledgment of failure?

It is true that in his real designs, whatever they may have been, he succeeded no better. But any disappointment on that score (supposing those designs to have been such as he could not avow) he would of course keep to himself. He expected, no doubt, to be in a very different position from that in which he found himself. A triumphant progress through the south of Ireland, with the rebels everywhere submitting, the army flushed with success and passionately devoted to their favorite General, all Munster reclaimed to obedience, victory sitting on his helm and swift unbespoken pomps attending his steps, — results which he may easily have dreamed of, — would have made him a dangerous man to contradict, and put his enemies under his feet; all the more if the head of rebellion in the North had still to be broken; for in that case he must have been the man to do it, and must have had another army to do it with. We shall see hereafter what sort of power in the state he thought it for the good of the kingdom that he should possess. We know that he was all this time in an angry humor of discontent, and swelling with undigested mortification. And to me it seems not improbable that to place himself in this position was his *first* object in undertaking the service, to subdue the rebellion his second; and that he had persuaded himself to regard the one as a necessary step to the other.

Upon this supposition, his course is at least intelligible. Upon this supposition I can understand why he objected to the appointment of Lord Montjoy and forced the service upon himself; why in England he insisted so earnestly upon the necessity of making a real end of the war, and in Ireland yielded so readily to all propositions for postponing it; why he made a point of taking so large a force and being trusted with such unlimited power, and filling the places of importance with such men as Blount and Southampton; why he hurried his army as fast and

as far as he could *away from* the proper scene of action and out of reach of instructions; why in his dispatches he never explained his plan of operations, but sent home only meagre journals of each day's proceeding; why he arranged all his movements so that the government had no means of checking him; why after he knew and even avowed that his men were unfit for the northern action, he continued to talk so confidently of proceeding with it; why having postponed it till it was too late, he insisted on making a demonstration of it when it *was* too late, and having at the end of August declined to give it up because nothing could be done, was content to end it on the 8th of September without attempting to do anything; and lastly, why from the beginning to the end of this miserable business he maintained the tone of a much injured man, doing all that mortal could, and never failing in anything unless through the fault of his employers in not trusting, encouraging, and applauding him. In spite of appearances he must still be believed to be the only man who could bring Ireland to obedience; for through this it was that he looked to right himself against his enemies. And to make people believe this as things now stood, his best chance was to assert it confidently. Those who think him incapable of a false pretence and only unlucky and ill-used, must reconcile these facts with their theory as they best may; a thing which I have never seen attempted. For my own part I can find no point of view from which the true history of his proceedings does not seem incredible, except upon the supposition that he was playing a double game of some kind. That he had not played it skillfully is not surprising, for his virtues as well as his faults stood in his way; and from this time it became still more difficult. The pause which followed the truce gave the Queen an opportunity at last of putting in her own word with effect. Hitherto he has been managing in his own way a business of his

own undertaking; he now finds himself in a position for which he was not prepared, and must manage as he can.

A month before, when the Queen heard of the second postponement of the Ulster expedition, she had forbidden him (not knowing what in his then temper he might do next) to leave Ireland without her express warrant. When she heard in the beginning of September that, though he had received the reinforcements which he required for that service, he meant after all to go no further than the frontiers and with a force avowedly too weak to do any good, she repeated that prohibition; recited in terms of strong and just remonstrance the history of his professions and performances; and since it appeared by his own words that nothing could be done this year against Tyrone and O'Donnel, commanded him and the Council to fall into present deliberation and send over in writing a true declaration of the state into which they had brought the kingdom; what effect this journey had produced, and in what kind of war, where, and in what numbers, they thought the remainder of the year should be employed; and then to wait for directions. But Essex was now in a hurry. Her letter to this effect had scarcely been written, when another messenger arrived with news of the conference with Tyrone and the appointment of Commissioners to treat with him. This intelligence (accompanied with an assurance that nothing would be concluded till her pleasure were known, but without any particulars either of the conference or the commission) reached the Court on the 16th of September; and on the 17th the messenger was sent back with her reply. Since he had not told her what passed on either side at the conference, or what the Commissioners had in charge, she did not know what conjecture to make of the issue: but whatever the conditions might be, if oaths and pledges from Tyrone were to be the only security for performance, what would they avail?

" Unless he yield to have garrisons planted in his own country to master him, — to deliver Oneal's sons, whereof the detaining is most dishonorable, — and to come over to us personally here, — we shall doubt you do but piece up a hollow peace and so the end prove worse then the beginning. And therefore, as we do well approve your own voluntary profession, wherein you assure us that you will conclude nothing till you have advertised us and heard our pleasure, so do we absolutely command you to continue and perform that resolution. Pass not your word for his pardon, nor make any absolute contract for his conditions, till you do particularly advise us by writing and receive our pleasure hereafter for your further warrant and authority in that behalf."

What was to be done now? Though Essex had taken care to dispatch his messenger the day before the Commissioners met, — thinking I suppose that the case being incomplete the decision would be deferred, — he could not contrive this time to be involved in a fresh action before the answer arrived. The truce being concluded and the army dispersed, he had now no pretext for postponing explanations. The campaign was over. The question was, what had been done? A question indisputably far and reasonable; though to put on paper an answer to it which had a chance of being considered satisfactory was no easy matter. For whatever might be said in justification of this or that item of the account, the totals must stand thus: Expended, £300,000 and ten or twelve thousand men: received, a suspension of hostilities for six weeks, with promise of a fortnight's notice before recommencing them, and a verbal communication from Tyrone of the conditions upon which he was willing to make peace. The obtaining of this information was in fact the Earl's great achievement. And if he had indeed induced Tyrone to offer conditions really satisfactory, he had deserved well of his country after all, and for his discharge had only to produce them. But here

was a new difficulty. The Queen required a report in writing. Now Tyrone, fearing that if the conditions were committed to paper they would be communicated to Spain, had made him promise to deliver them verbally. The evidence of this otherwise incredible fact is still extant in Essex's own declaration under his own hand. If the statement had proceeded from anybody else, or if the words had been less precise, I should have suspected a mistake: I should have suspected that the promise was not exacted by Tyrone — for what difference could it make to him whether Essex made a verbal or a written report of what he had said, or which of the two were communicated to Spain, so long as he did not himself sign either? — but volunteered by Essex himself, for the very purpose of putting it out of his power to make a report in writing, and of thereby compelling the Queen to send for him. But his words can bear only one meaning. "The conditions demanded by Tyrone I was fain to give my word that I would only verbally deliver, *it being so required of him before he would open his heart*; his fear being lest they should be sent into Spain, as he saith the letter with which he trusted Sir John Norreys was." If the stipulation really proceeded from Tyrone, it must have been by way of bravado; and certainly if he wanted a written record of the fact that he had negotiated the truce on terms of acknowledged superiority, he could have nothing better than such a statement as this. But however it came about, it served Essex now as a pretext for going over to England — the Queen's repeated commands to the contrary notwithstanding. And since it happened that these mysterious conditions amounted to nothing less than what we should now call "Ireland for the Irish," and were such as the Queen could not be asked to grant except on the assumption that Tyrone was master of the situation and must be allowed to make his own terms — a view which it seemed



she was not yet prepared to take -- it was necessary to go provided with the means of convincing her. Reason, in such a case, he could not trust to. It was his old complaint that he could never do her service but against her will. The Court and Council were full of "enemies," in whose hands he could not safely trust himself. What should he do? On receipt of the Queen's last letter (which having been dispatched from Nonsuch on the 17th of September could hardly reach him before the 21st or 22d), he held a consultation with his confidential friends Blount and Southampton; told them (this is Southampton's own statement, attested by Nottingham, Cecil, and Windebank, to whom it was made, published at the time to all the world, and never contradicted or retracted, though Southampton lived many years after with every motive for doing so if he could) "that he found it necessary for him to go into England, and thought it fit to carry with him so much of the army as he could conveniently transport, to go on shore with him to Wales, and there to make good his landing till he could send for more: not doubting but his army would so increase in a small time, that he should be able to march to London and make his conditions as he desired."<sup>1</sup> That he seriously meditated such a design seems monstrous: but I find it impossible to doubt the fact; and the impossibility of either disputing it or reconciling it with the popular view of his character is implied in all our modern popular narratives of this business; which with one accord forget to mention it.<sup>2</sup> To any one, however, who seriously desires to find the true meaning of

<sup>1</sup> Appendix to *Declaration of Freedom*, etc., published by authority in 1601. There is a misprint, however, about the exact date of the conversation. In the manuscript of *Henry*, signed by *Henry*, which has been printed from the Harleian MSS., it is said to have been "some days before the late voyage into the North." But as I suspect some mistake, for it is expressly stated in the *Declaration of Freedom* that he was not known to have communicated his design to anybody before his conference with Tyrone, — I leave my story as it was.

his proceedings and what sort of subject he really was, it must appear a fact far too significant to be left out of account. A subject making his own conditions with the Government at the head of an army is a successful rebel, and successful rebellion without bloodshed was no doubt what he wished, — may have been what he hoped. But knowing as he did that England had been in arms at very short notice only a month before, *civil war* is what he must have expected and been prepared for. Nor was it that consideration which deterred him from the project. He gave it up because the two friends whom he most trusted, having taken a night to think it over, concurred in protesting against it.

They agreed however (at least Blount did) that he must not go without force enough for his personal protection. It was foreseen that he would probably be placed under some restraint. And as they could not tell how much was known or suspected by the Government of what was known to themselves, a committal, unless it were to friendly hands, might prove dangerous. To guard against this danger, Blount advised him "to take with him a good train and make sure of the Court, and then make his own conditions;" or (as he expressed it on another occasion) "to take a competent number of choice men, who might have secured him against any commitment, unless it were to the houses of the Archbishop of Canterbury, the Lord Keeper, or Sir W. Knolles." This advice he followed. And accordingly, on the 24th of September, he surprised the Irish Council by swearing in two Lords Justices; and at 10 A. M. on the 28th, surprised the Queen at Nonaneh by appearing in her bedchamber, before she was dressed for company, full of dirt and mire. There had come over with him "the most part of his

<sup>1</sup> This was written before the appearance of Mr. Hapworth Dixon's *Personal History of Lord Byron*, and of Mr. Bruce's *Secret Correspondence of Louise V. of Savoy and Sir Robert Cecil*, where the fact has due prominence given to it (Camden Soc., 1911).

household and a great number of captains and gentlemen," — though only six accompanied him from London to Nonsuch.

It is a remarkable proof of the charm which his personal presence exercised over the Queen, that her first emotion on seeing him was pleasure. So deeply as she had been displeased with all he had been doing during the last half-year, and with such deep cause, — his very latest communication having brought the displeasure to a climax, — one would have thought she would have been in no humor to pardon this new act of daring disobedience. But so it was that when he went to his room presently to wash his face and change his dress, he was observed to be "very pleasant — and thanked God that though he had suffered much trouble and storms abroad, he found a sweet calm at home." As soon as he was dressed he had another interview, which lasted an hour and a half: and still all was well. "He went to dinner, and during all that time discoursed merely of his travels and journeys in Ireland, of the goodness of the country, the civilities of the nobility that are true subjects, of the great entertainment he had in their houses, of the good order he found there. He was visited frankly by all sorts here of lords and ladies and gentlemen; only strangeness is observed between him and Mr. Secretary and that party." What face he had put upon the matter as yet to make this fair weather we do not know. Perhaps the Queen let him tell his own story, and postponed questions and remarks to the afternoon; and he, who had apprehended a different kind of reception, mistook silence for satisfaction. After dinner she did not seem so well satisfied: many things had to be explained: the Lords of the Council must talk to him. He was with them for an hour that afternoon: the result not known: only that night between ten and eleven he was commanded to keep his chamber.

Bacon not being at Court does not appear to have heard of his arrival till the next day; for the first news he had of it was accompanied with the intelligence that he had been committed to his chamber for leaving Ireland without the Queen's license. And it must have been on hearing this that he wrote him the following letter: which comes from Rawley's supplementary collection, and has no date. Bacon, it will be remembered, was not at this time aware of what Essex had been doing, beyond what everybody knew of the general course and result of the campaign. He knew that he had done no good, but not how far he had gone in evil beyond his darkest apprehensions. He took his present arrival for one of his rash and dangerous acts, but of the real nature of it, which was not known till long after, he had no notion.

TO MY LORD OF ESSEX.

MY LORD, — Conceiving that your Lordship came now up in the person of a good servant to see your sovereign mistress, which kind of compliments are many times *inftar magnorum meritorum*, and therefore that it would be hard for me to find you, I have committed to this poor paper the humble salutations of him that is more yours than any man's and more yours than any man. To these salutations I add a due and joyful gratulation confessing that your Lordship, in your last conference with me before your journey, spake not in vain, God making it good. That you trusted we should say *Quis putaret?* Which as it is found true in a happy sense, so I wish you do not find another *Quis putaret* in the manner of taking this so great a service. But I hope it is, as he said, *Nube culat, cito transibit*: and that your Lordship's wisdom and obsequious circumspection and patience will turn all to the best. So referring all to some time that I may attend you, I commit you to God's best preservation.

This letter was probably written at Nonsuch, whither (it being of the first importance to lose no time in putting the Earl in the right way at so critical a juncture) Bacon immediately repaired. He succeeded in getting a quarter of an hour's private conversation with him, of the effect of which we have his own report. "He asked mine opinion of the course that was taken with him. I told him, My Lord, *nubecula est, cito transibit*. It is but a mist. But shall I tell your Lordship it is as mists are: if it go upwards it may perhaps cause a shower: if downwards, it will clear up. And therefore, good my Lord, carry it so as you take away by all means all umbrages and distastes from the Queen: and especially, if I were worthy to advise you, as I have been by yourself thought, and now your question imports the continuance of that opinion, observe three points: First, make not this cessation or peace which is concluded with Tyrone as a service wherein you glory, but as a shuffling up of a prosecution which was not very fortunate. Next, represent not to the Queen any necessity of estate whereby as by a coercion or wrench she should think herself enforced to send you back into Ireland; but leave it to her. Thirdly, seek access, *importune, opportune*, seriously, sportingly, every way. — I remember my Lord was willing to hear me, but spake very few words and shook his head sometimes, as if he thought I was in the wrong — but sure I am he did just contrary in every one of these three points."<sup>1</sup>

The truth was that the constitution of Essex's case was not sound enough to bear this kind of treatment. The secrets which he had left behind him in Ireland were not all in such safe custody as that which he had left with Blount and Southampton. He had come over, hoping by his personal influence to obtain a sanction for what he had done (which he could not hope to do by

<sup>1</sup> *Apology.*

any written communication), and thereupon to be sent speedily back again, and so to put the breadth of St. George's Channel between him and the Queen's guard; within reach of which he could not now have felt easy. That this was his aim, and what the pretexts were upon which he hoped to succeed in it, will appear from his own statement. But this being a new aspect of the game, I will let it begin a new chapter.

## CHAPTER IV.

A. D. 1599-1600. *ÆTAT.* 39-40.

THE gentleness with which the Queen welcomed Essex on his sudden appearance was probably an impulse of nature. It was a pleasure to see his face, and the pleasure expressed itself in her behavior. But whether inspired by nature or policy, it was a lucky inspiration. She did not know of the train of "choice men" that had come over with him, nor of the spirit that animated them: concerning which an anecdote told by Camden — and told as in favor of Essex without any hint of doubt as to its correctness — gives some light. On the road from Lambeth to Nonsuch, the Earl was outriden by Lord Grey of Wilton, — an "enemy," — that is, one of the other party; who being overtaken by one of the Earl's company and asked (as on his behalf, though not by his desire) to let him ride before, replied that he had business at Court, and pushed on. Upon which (adds Camden) "Sir Christopher St. Lawrence offered his services to kill both him in the way and the Secretary in the Court. But the Earl, hating from his soul all impiety, would not assent unto it."

Now though Essex was not prepared to begin with two murders in cold blood before a finger had been laid or threatened to be laid upon himself, it does not follow that he was not prepared to use such services in self-defence. And the very offer (if the story be true) implies a spirit in his followers which was not likely, upon the approach or appearance of danger, to be more



as to modes of rescue. A rough reception at Court reported in London would have brought back many swords as ready for business as St. Lawrence's, and made a hot evening at Nonsuch.

The course which the Queen took avoided this danger. Friday brought news that he had been received graciously and all was well. Saturday that he was commanded to keep his own chamber till the Lords of the Council had spoken with him. Sunday that he had been heard, and that his answers were under consideration. Monday that he was committed to custody; but to the custody of the Lord Keeper, his principal friend in the Council; and removed to York House, where he remained, secluded from company by his own desire. And it being understood all this while that the Council were satisfied with his explanations, and that the restraint was a matter of form used for the sake of example, and likely to be soon over, there was nothing even for the most reckless of his friends to ground any violent proceeding upon.

What he might have adventured had his actions been disapproved and disavowed, and yet himself left free, must be left to conjecture. The line he took, as matters stood, was to profess extreme submission and humility, with a desire to leave wars and council-boards, and betake himself to a private life. I say to *profess*; for it was certainly not a state of mind in which he was going to rest, and it may be doubted whether it was sincere even for the time. Perhaps he did not himself know. For he was now once more in a position which he had not reckoned upon. Of his conferences with the Council (which were very private) we have no detailed account: and the rumors which got abroad cannot be depended on, being only what the Court wished to be believed at the time. But the paper which he drew up immediately after his first examination, and of which I have already quoted part, proves that he had not then any intention

of retiring, but meant to represent himself as the only person who could manage the Irish difficulty, and upon that ground to be sent back immediately. After explaining what provisions he had made for the government of affairs there, he adds, "But I promised to send over daily advices and directions as soon as I had spoken with her Majesty and my Lords, and to give directions also and comfort to such of the Irishry as were principal instruments for her Majesty in that kingdom, and to return with all expedition. If only by my coming away and Tyrone's perfidiousness any disaster had happened, I would have recovered it or have lost my life: for I have a party there for her Majesty besides her army. But now, when they shall hear of my present state, and shall see no new hopeful course taken, I fear that giddy people will run to all mischief." In the same spirit, and no doubt with the same view, he represents himself in another place as the only man who can do any good with Tyrone. "With those that have heretofore dealt with him he [Tyrone] protested he would not deal in this free manner, nor by his will in any sort whatsoever: since he had no confidence that they could procure him that which only would satisfy him, or performance of all that was agreed on." This is not the language of a man who means either to admit a failure or to resign to others the further prosecution of the business. And it agrees well enough with Sir R. Cecil's account of his avowed object in coming over (viz. "to acquaint her Majesty not with the goodness of Tyrone's offers in themselves, but with the necessity of her affairs, to which the offers were suitable") though it leaves one difficulty still in the way.

For what after all were these offers, — the best that he could obtain, and better than could be hoped for by any one else? A memorandum printed in the Winwood Papers (an inclosure, I suppose, in Cecil's letter last quoted), gives the particulars.

## TYRONE'S PROPOSITIONS, 1599.

1. That the Catholic religion be openly preached.
2. That the churches be governed by the Pope.
3. That cathedral churches be restored.
4. That Irish priests prisoners be released.
5. That they may pass and repass the seas.
6. That no Englishmen be churchmen in Ireland.
7. That a university be erected upon the Crown lands.
8. That the governor be at least an earl and called Viceroy.
9. That the Lord Chancellor, Treasurer, Counsel of State, Justices of Law, Queen's Attorney, Queen's Serjeant, etc., be Irishmen.
10. That all principal Governors of Ireland, as Connaught, Munster, etc., be Irish noblemen.
11. That the Master of the Ordnance be an Irishman, and half the soldiers.
12. That no Irishman shall lose his lands for the fault of his ancestors.
13. That no Irishman shall be in ward, but that the living during the minority shall be to the younger brothers or sisters.
14. That all statutes prejudicing the preferment of Irishmen in England or Ireland shall be repealed.
15. That neither the Queen nor her successors shall enforce any Irishman to serve her.
16. That O'neale, O'donnell, Desmond, and their partakers, shall have such lands as their ancestors enjoyed two hundred years ago.
17. That all Irishmen shall freely traffic as Englishmen in England.
18. That all Irishmen shall travel freely.
19. That they may use all manner of merchandises wheresoever.
20. That they may use all manner of trades.
21. That they may buy all manner of ships and furnish them with artillery.<sup>1</sup>

<sup>1</sup> This paper has been pronounced by Dr. Abbott "demonstrably spurious," I have not however seen any attempt at demonstration, except his own, and this seems to me demonstrably unconvincing. Externally it has as good a title

Now can any one believe that Essex came over from Ireland intending to lay these propositions fairly before Queen Elizabeth, and hoping to persuade her that the man who had consented to entertain them was the man to do her work with rebels? Such terms proposed in an orderly way in Parliament or by petition in behalf of a loyal country, might (in these days at least) have much said for them; though some of the articles — the 16th for instance — could hardly in any circumstances be thought admissible. But coming from a rebel at the head of an undamaged army, treating with the remnant of the army which had been sent out to reduce him to obedience, what else could they appear than terms imposed by a conqueror? That a man of such a spirit as Essex should have entertained them at all, is strange and suspicious. That if he was acting simply and sincerely in the Queen's interest, he would ever have regarded them as conditions fit to be sanctioned except in the last resort, or that even then he could have hoped to make them so easy of digestion to her that she must needs send him back to carry them out, — is to me incredible. The truth probably is that he did *not* intend to lay them fairly before her. "The conditions demanded by Tyrone," he says in his written statement, "I was fain to give my word that I would only verbally deliver." But he does not say that he *has* delivered them verbally; only that he has "already told her Majesty and the Lords *where the knot is*, which being loosed he hath protested that all the rest shall follow." As yet therefore I imagine that he had refrained, under plea of that promise of secrecy, from disclosing the particulars. And so long as he was allowed to keep them out of sight and only state

as any of the other papers in that collection to be accepted as genuine. It must be supposed that Cecil had heard Essex's verbal statement to the Council of Tyrone's demands, — and if it was the ~~case~~ *case* he made of them for his own use, it would most likely be preserved where it was found — among the Hatfield papers.

in his own way what he chose to represent as the main difficulty, he might perhaps hope to make out a plausible case for being sent back to conclude the negotiations which he had begun. It was but a temporary shift, to be sure: for the Queen could never have let him go without hearing the particulars. But men in his position are fain to shift as they can. And when at last he did state Tyrone's propositions in detail — possibly upon a promise that they should not be divulged (for it is a remarkable fact that no detailed account of them is to be found in any of the many public declarations made afterwards by the Government concerning these matters) — he manifestly felt that he had no case left. The time for carrying his end by violence according to Blount's advice, — the time for making sure of the Court and so making his own conditions, — had been let slip. He could now no longer hope to carry it by persuasion. His only resource therefore, while other projects were ripening (for that he had other projects on foot I shall show presently), was to assume the tone which was most likely to prevail with the Queen to set him free. The state of his health also had its influence, and may possibly through the depression of his spirits have made his purposes more than usually changeable. For he seems to have had a fit of real illness at this time, — long, serious, and depressing: an illness which anxiety for the safety of his Irish secrets would naturally aggravate. At any rate there he remained, close prisoner, though in friendly hands, seeing (or at least professing to see) nobody except by special warrant, and expressing himself as a man weary of the world.

But though the danger of a violent rescue was avoided by the course taken, a danger of another kind was incurred. The *people* were still in the dark as to the whole matter. Some doubtful rumors had gone abroad as to the nature of the offenses with which the Earl was

charged: but upon what grounds of evidence they rested, and what he had to say in his own excuse, they were left to guess. They saw their favorite under displeasure and in restraint; and anything being more credible to them than that he could have given just cause for it, symptoms of popular dissatisfaction began to show themselves: the more dangerous because, as the Council were reported to be using their influence in his favor, the unpopularity of the proceedings fell upon the Queen herself. And it was very true that if any one was to blame in the matter, it was she. She was acting for herself, under no influence or information except that of her own judgment and observation. Nor was there any one who had so good means of judging, or so good a right to be dissatisfied with the Earl's story. He must have been a much more skillful dissembler and a much wariier politician than he was, if he could play his new part without falling into inconsistencies, suggestive of the gravest suspicions to one who had for so many years been so familiar with him in all his moods. Formerly his most contumacious proceedings had been consistent with his professions of love and loyalty, because the greatness they aimed at was to come by her favor and be employed in her service. But now that he was endeavoring to carry his ends in spite of her, and by working upon her fears, his words and actions produced discords to which she could not be deaf. It must have been clear to her that she did not yet know all. Nor did the news which presently arrived from Ireland make the case less suspicious. Sir William Warren had been sent by Essex to confer with Tyrone. They had met at Blackwater on the 29th of September; the day after Essex arrived at Nonsuch. And on the 4th of October his report of the interview was forwarded from the Council at Dublin to the Council in London.

\* By way of conference with the said Tyrone, and the report

of others, the said Sir William did conceive a disposition in Tyrone to draw up all the force that he could make to the borders as near Dundalk as he could, and all his crents<sup>1</sup> to bring thither with him: which maketh the said Sir William much to doubt of any good or conformity to be looked for at his hands."

So far, if there was nothing to satisfy, neither was there anything to surprise. It was no more than anybody who knew the history of previous treaties with Tyrone must have looked for. But what was the meaning of the next paragraph?

"By further discourse, the said Tyrone told to the said Sir William and declared it with an oath, that within two months he should see the greatest alteration and the strangest that he the said Sir William could imagine, or ever saw in his life; but what his meaning was thereby, neither did he declare the same to the said Sir William, nor could he understand it; more than that Tyrone did say he hoped before it were long that he the said Tyrone would have a good share in England. These speeches of the alteration Tyrone reiterated two or three several times."

Some light was thrown upon the meaning of this by information obtained at a later period; but for the present it remained a mystery, and no doubt suggested the necessity of proceeding warily. But if it was hazardous to set the Earl free, it was hazardous also, by keeping him in restraint without apparent cause, to provoke popular discontent; of which symptoms began already to appear both in the press and the pulpit. To quiet these, the Queen resolved after some hesitation and vacillation that on one of the days when it was usual to issue public admonitions in the Star Chamber, an official declaration should be made of the principal faults laid to his charge. But it is not easy for a Queen, who cannot mix freely

<sup>1</sup> Mr Gardiner informs me that *Creaghts*, or *Craughts*, were the wild homeless fellows who wandered about the country with their cattle, as I with whom Ulster swarmed at that time. But Dr Davies speaks of "*Creaghts* or herds of cattle." *Tracts*, p. 131.



with the people, to understand the conditions of popular opinion; and she seems to have forgotten that they would want to hear the Earl's story as well as hers, and that to publish the charges without the answers would only increase discontent and excite suspicion of unfair dealing. Her real motive for choosing this course was probably tenderness towards the Earl himself, whom she did not wish to bring before the public as a culprit. But the effect would be not the less unsatisfactory; and when she told Bacon what she meant to do, he warned her what the consequence would be: "told her plainly, that the people would say that my Lord was wounded upon his back, and that justice had her balance taken from her, which ever consisted of an accusation and defense; with many other quick and significant terms to that purpose."<sup>1</sup> Not that he was prepared to recommend the other course of a formal judicial proceeding; for he thought the sympathy of the people would be with the Earl, and the result to the disadvantage of the Government.<sup>2</sup> His advice therefore was that she should make matters up with him privately, and "restore him to his former attendance, with some addition of honor to take away discontent." She had to admit afterwards that his objections to the Star Chamber proceeding had been just; but the freedom of his expostulation offended her at the time, so that she would hear no more from him on the subject for some months; and proceeded in the meantime to carry out her own plan. A declaration was

<sup>1</sup> *Apology*.

<sup>2</sup> "I besought her Majesty to be advised again and again how she brought the cause into any public question. Nay, I went further for I told her that my Lord was an eloquent and well-spoken man, and besides his eloquence of nature or art, he had an eloquence of face and look which passed this, both what was the pity and honey-lence of his hearers; and therefore that when he should come to his answer for himself, I doubted his words should have so to require a passage above theirs that should charge him as should not be for her Majesty's honor. . . . I remember I said that my Lord in *foro famæ* was too hard for her, and therefore wished her as I had done before to wrap it up privately." *Apology*.

made in the Star Chamber on the 29th of November, by the mouths of all the principal councillors. It consisted of a statement of the leading facts, — what the Earl had been sent out to do, what means had been provided, and what he had done. And the story they told agrees, as far as it goes, with that which I have myself told upon independent evidence; differing only in this — that it contains no allusion to the worst features of the case; some of which were not yet even suspected, and others were still doubtful. It was in fact a fair and temperate statement of the grounds which the Queen had for being dissatisfied with him; and not being in the nature of a charge to be followed by a sentence, he was not called to answer.

The lawyers having no part in the proceeding, Bacon was not wanted in his place; and popular feeling had in the meantime taken a turn against him, which, though due to a mere misapprehension of the facts, made him prefer to stay away. I have said that the Council did not share the unpopularity of the proceedings against Essex, because it was given out that they were using their influence in his favor; whereby it would naturally have fallen upon the Queen in person. But she was herself too much of a popular favorite to be supposed capable of doing anything unjust or ungracious, unless misled by sinister influence somewhere. Somebody there must be upon whom indignation might discharge itself freely; and suspicion in such cases always falls on those who cannot speak for themselves. Now it happened that Bacon, to whom his old privilege of access had now for a good while been fully restored, was at this time much employed about matters of law and revenue, concerning which he often had occasion to attend the Queen and was often admitted to speech with her. And though he had really been using all his influence to dissuade her from bringing the Earl's case in question publicly, and induce her to

receive him again at Court with such conditions as should make him content to remain at home, that fact was not known; and as he could not talk about what passed between the Queen and himself, rumor might circulate what stories she pleased: nor did she spare her powers of invention. It is not necessary to ask how the suspicion arose. Such suspicions come of themselves. There was blame due to somebody. It could not be Essex. It could not be the Queen. It was not the Council. It might be Bacon. He stood next; and against him the popular wrath gathered with a fury proportioned to its ignorance. There were those who undertook to say what opinions he had given to the Queen upon the Earl's case: and indignation ran so high that his friends apprehended some violent attack upon him.

From this time till the 20th of March, Essex remained at York House under the same conditions. But though he was supposed to see nobody, not even his wife, without the Queen's special leave, he was really in communication all this time with Southampton, Sir Christopher Blount, Sir Charles Davers, and others, upon certain projects which it will be necessary to bring out in more prominence than has been usually given to them. For though the Government knew nothing of them at the time, and when they did come to light covered them up with a discreet silence (in consequence of which they have almost dropped out of the story as it is commonly told, though the evidence has been long accessible to everybody in a well-known book), yet they certainly formed a very important part of the case which we shall presently have to consider.

That the necessity of his service in Ireland would compel the Queen to receive Essex into favor again, was a hope which, though it continued to prevail among the people till the middle of November, if not later, he could hardly entertain himself after the disclosure of Tyrone's

propositions. He began at once therefore to cast about for other means of rescue; and if those to which he first inclined seem so inconsistent with his professions of extinct ambition and desire of private life as to suggest a doubt whether they were sincere even for the moment, we must remember that his personal safety was now every hour in jeopardy; and that to place himself out of danger of the law may really have been his object; although the means by which it was to be compassed involved much more, — involved in fact the assumption of a position and a power above the legitimate pretensions of a subject. The intrigues in which for this purpose he was engaged were kept secret at the time, for reasons of state which are sufficiently intelligible. For reasons equally intelligible, they were but dimly and partially indicated during the next reign. Nor was it till long after, when the whole question had passed from the department of politics to that of history, that they were fully revealed. The evidence being nevertheless good, history must not refuse to admit it, and to correct her conclusions accordingly.

In the Advocates' Library at Edinburgh there is still to be seen a manuscript in an old handwriting, purporting to be a declaration made by Sir Charles Davers on the 22d of February, 1600-1. It has every appearance of being a genuine, though not a very accurate, transcript of a deposition taken down from the speaker's mouth by some one who could not write fast enough, nor is there anything either in the style, the matter, or the circumstances, which would lead me to doubt the veracity of the deponent. It was first printed by Buch in his "*Memoirs of Elizabeth*," from a copy found among the collections of Dr. Forbes; and I am not aware that its genuineness has ever been questioned.<sup>1</sup> From this we learn that when

<sup>1</sup> Since this was written, a fair copy of this declaration in Sir C. Davers's own hand, apparently revised and corrected, has been found among the MSS. at Hatfield, and printed by Mr. John Bruce for the Camden Society.

he was committed to the custody of the Lord Keeper, Essex entrusted the care of his fortune not to those of his friends who had best credit with the Queen for loyalty and good service, but to those who had been admitted to his own most dangerous secrets, and engaged themselves furthest with him in his most questionable proceedings. How deeply the Earl of Southampton had been previously admitted into his confidence we have seen. With Lord Montjoy his latest relation, so far as it was known to the newsmen of the day, had been that of successful rivalry for the Irish command, in the autumn of 1593. But if that difference caused any interruption of intimacy for the time, the breach must have been soon and effectually healed. For in the summer of 1599 Montjoy had undertaken an office on his behalf which he would never have ventured on without some concert and private understanding of the most confidential kind. In the summer of 1599 he had dispatched a messenger secretly to Scotland, with some communication on the forbidden subject of the succession. The terms are not known; but the general purport was to satisfy the King that Essex would support his claim to succeed to the crown upon Elizabeth's death, and to suggest some course of proceeding which might lead to an acknowledgment of that claim during her life. Now why should Montjoy meddle in such a matter? "The cause," says Sir Charles, "that moved my Lord Montjoy to enter into this course with Scotland was, as he protested, his duty to her Majesty and his country, for he could not think his country safe unless by declaration of a successor it were strengthened against the assaults of our most potent enemies, which pretended a title thereunto. Neither could he think her Majesty so safe by any means, as by making her kingdom by that means safe against their attempts." So far well. It is easy to believe that he thought such a declaration desirable, with a view to the public interest

only. Most men would have welcomed it as a measure important for the safety of the country; and had he made a speech or published a pamphlet urging the Queen to adopt it, I should have given him credit for a bold and patriotic act done at the risk of a censure in the Star Chamber. But how was such a thing to be brought about through a secret negotiation between the King of Scots and a private English subject holding no office or authority?—and how came Montjoy to be the negotiator? “He entered into it the rather at that time,” Sir Charles adds, “to serve my Lord of Essex, who by loss of her Majesty was like to run a dangerous fortune, unless he took a course to strengthen himself by that means.” How again would the procuring of such a declaration by such means have *strengthened* Essex? It was certainly not a service which would have inclined the Queen to like him better. On the contrary, it would have made the recovery of her favor *by fair means* forever hopeless. The answer to these questions must surely be, that the negotiation was undertaken not only in the interest of Essex, but in concert with him; and that the object was to arrange some joint action between the King of Scots and the English army in Ireland, for the purpose of compelling the Queen to assent to a formal declaration of his right to succeed her in the throne of England. We know that Essex had begun to contemplate the necessity of resorting, in what he called self-defense, to some demonstration of force. To any such demonstration an alliance with the King of Scots in assertion of his legitimate title would have given the material support of a Scotch army and the moral support of a fairer name than rebellion; and would have strengthened him by making him more formidable. But I do not see what other strength either he or his friends could have hoped from such a course, except strength of arms in an encounter with the Queen's forces.

If this interpretation be objected to as incredible, because it implies an intention to use the army with which he had been entrusted *against* those from whom he had received the trust, let that objection wait a little till we see the next phase of the intrigue.

The issue of the negotiation at that time we do not know. I suppose it was interrupted by the Earl's sudden return from Ireland and subsequent detention in England, which not only made it impossible for him to play his part in the proposed demonstration, but involved him in a danger quite different from any he had hitherto had to fear, and called in his friends to help him by services more within the legitimate limits of friendship. He was now in the Queen's power; and though the restraint put upon him was as gentle as any restraint could be which was strict enough to keep him within her power, yet no one knew, and his most confidential friends had most reason to fear, what might happen next. Reports that he was to be sent to the Tower were the news of every week; and those who were deepest in his secrets best knew how dangerous a place the Tower might prove for him, if all the truth should by any accident come to light. How best to provide against this danger was now the question. And it was to my Lords Southampton and Montjoy that in this emergency he committed the care of his fortunes.

Sir Charles Davers came up to London about the end of October and found them in consultation. It seems that Sir Christopher Blount's former recommendation to "possess the Court with his friends," as well as Essex's own project of making his way into Wales (where he might look for popular support), had been reconsidered and upon consideration rejected; and that a private escape into France was agreed upon as the best thing to attempt. This, however, he himself positively declined, saying that "he would rather run any danger than lead



the life of a fugitive ;" by which he must have meant that the *escape* he looked for was to some place where he might make resistance.

Thus matters stood till about the middle of November, at which time it was decided at Court that Montjoy should take command of the army in Ireland. This opened a new chance. Though the parts were changed the game might still be played. A month before, when the employment was first offered to Montjoy, he had tried to excuse himself; out of friendship (it was supposed) for Essex, whom he then believed it would be thought necessary to send back. This, however, being out of the question, and the case of Ireland growing worse and worse, he undertook the service; and at the end of November the news was that he had orders to be ready within twenty days. Immediately upon this followed the declaration in the Star Chamber concerning the offenses of the Earl, which I have already mentioned, and which put an end to all hopes of a present release for him. And then came a fresh proposition on his behalf, which will show that to reject my interpretation of Montjoy's former proceeding on the ground that it implied treachery, would have been premature.

The statement in this case is explicit, and admits of no interpretation but one. I give the words precisely as I find them.

" Now when that the government of Ireland was put into my Lord Montjoy's hands, his former motives growing stronger in him, the danger of my Lord of Essex more apparent, being earnestly pressed by my Lord of Essex to think of some course to relieve him, my Lord first swearing, and exacting the like oaths as I remember from my Lord of Southampton, to defend her Majesty's person and government over us against all persons whatsoever, it was resolved to send Harry Lough again into Scotland, with order that if the King would enter into the course, my Lord Montjoy would leave the kingdom of Ireland defeu-

sively guarded, and with four or five thousand men assist him; which with the party that my Lord of Essex would make head withal, were thought sufficient to bring that to pass that was intended."

The date of this resolution is not given. But as Montjoy was gone before Harry Leigh returned from his mission, I see no escape from the conclusion that he undertook the command of the Queen's army in Ireland with an intention to use a portion of it in encountering the Queen's army in England. Difficulties occurred which gave him time to think, and changes intervened which supplied him with a pretext for refusing to act upon it. But this is what he must have been prepared for when he went; and that stain must rest upon his memory.

The answer which Leigh brought back was "dilatatory." A principal point in the plans projected by the Council for recovering Ireland was the establishment of a strong garrison at Lough Foyle, a position at the northern angle of Tyrone's country, accessible by sea: and this garrison was to furnish the men and shipping with which Montjoy was to assist the intended movement. But it was not yet settled there; and until it was settled, the King of Scots was "not ready to enter into that attempt. . . . And so that business ended."

It ended. That is, nothing further was done in it. But in the meantime it left Essex apparently in a more perilous condition than ever. For Leigh, immediately upon his return, was apprehended and imprisoned. And though the secret had been so well kept that the Government had not any notion of what was really going on, it is easy to understand how uncomfortable Essex must have felt upon such an accident; especially when a proceeding against him in the Star Chamber had been actually resolved on not long before, and the day appointed. And it was, we may presume, under the pressure of this anxiety that he took the first safe opportunity

of opening fresh negotiations with Montjoy, and urging him to carry out the original design. Southampton was going to Ireland, and he was to carry letters to that purpose. But his departure had been put off from week to week, and before he started (26th April) a change had taken place in Essex's position. On the 20th of March he had been allowed to return to his own house; and though he was not set at liberty, — for he remained in charge of a keeper, and under strict watch, — it was considered a sign of relenting, and a proof that no severe proceeding was meditated; and Montjoy, having in the mean time engaged earnestly in the very serious work which he had undertaken, and the trust reposed in him having had its proper effect in making him feel the duty of fidelity, would now no longer listen to the proposal. "He thought it more lawful to enter into such a course with one that had interest in the succession than otherwise; and though he had been led before, out of the opinion he had to do his country good by the establishment of the succession, and to deliver my Lord of Essex out of the danger he was in; yet now his life appeared to be safe, to restore his fortune only and to save himself from the danger which hung over him by discovery, and to satisfy my Lord of Essex's private ambition, he would not enter into any enterprise of that nature." And so that project was happily given up; nor did any hint of the secret get abroad until Essex himself, in the hour of his remorse, disburdened his conscience of it.

Of all these matters neither the people, nor the Queen, nor Bacon had any suspicion. The people, regarding Essex as the greatest captain in the land, were still wondering and murmuring at the treatment of their favorite. The Queen, knowing that he had been perverse, disobedient, and unfortunate, but refusing to believe him false, was considering on what terms she might receive him into favor again, without making one of those

concessions to his humor which she had tried so often and with such bad effect. Bacon, still believing that restoration to favor would withdraw him from temptations fraught with danger to everybody, was endeavoring to persuade the Queen to let the case rest where it was, and to send him some gracious message which might open the way to reconciliation; and at any rate, if she found it necessary to bring the case to a formal hearing, not to proceed by information in the Star Chamber (a course which she had been meditating, off and on, all the spring), but to confine it to the council-table. This advice she in the end partly adopted. For though she could not consent to rest under a popular imputation of unjust severity towards one for whom she well knew that her partiality had been too strong to leave her judgment free, and was therefore resolved to do something which should meet and put it down; yet, that point gained, she was willing enough to relent. What she wanted was to justify in the eyes of the people what she had done, without obliging herself to do more. For this purpose it was necessary to have a proceeding both in substance and in form judicial, an open accusation and defense; but so distinguished in its circumstances from ordinary proceedings of the kind, that the ordinary issue might without inconvenience be avoided. A public prosecution in the Star Chamber for such offenses would, if successful, have entailed a heavy fine and an imprisonment in the Tower. By transferring it to a private room into which the public should be admitted by favor and not of right, by varying the constitution of the tribunal and dispensing with the formalities of a record, while the usual forms were in other respects observed, it would be made public enough to attain the end (which was the satisfaction of the public), and at the same time so exceptional as to admit of an unusual issue. Instead of the Star Chamber, the cause was to be heard in the Lord Keeper's house, before a

special commission, in which certain earls, barons, and judges were associated with the ordinary members of that court;<sup>1</sup> the public not to be admitted promiscuously; but an audience, selected so as to contain representatives of all professions and degrees and qualities, to be invited to witness the proceedings, — a court resembling in composition one of those Great Councils which used formerly to be summoned to deliberate on great occasions; though in other respects the form of proceeding, as well as the function of the Commissioners, was much the same as in an ordinary Star Chamber case. The members of the Learned Counsel were to give the information and produce the evidence; the Earl was to answer for himself; the Commissioners to give their opinions; and the Lord Keeper to pronounce the sentence of the Court. And if it was (as it has been called) an unconstitutional tribunal, — a point which I cannot pretend to decide, for it is difficult to say what were then the limits of the power which the Council was understood to possess, — the variation from constitutional practice was certainly meant to be in the prisoner's favor, and was so understood and accepted at the time.

The Crown lawyers, who received their directions from the Council, were specially warned not to press the charge to any point implying disloyalty; and the main business fell of course upon Coke. To Bacon was assigned a part of the case comparatively unimportant: merely the countenancing by Essex of a book which had given offense to the Queen; a part which, though he did not like it, and though he seems to have thought the introduction of it into the case injudicious, he had no just ground for refusing, being assigned to him as it was by

<sup>1</sup> The Commission consisted of the Archbishop of Canterbury, the Lord Keeper, the Lord Treasurer, the Lord Admiral, Lords of Worcester, Shrewsbury, Cumberland, Huntingdon, and Derby, Lord Zouch, Sir W. Knollys, Sir R. Cecil, Sir J. Fortescue, Sir J. Popham, Sir Edmund Anderson, Sir W. Portman, and Justices Gavel and Walmesley.

those who were officially responsible for the business, and the business being designed (whether judiciously or not) to clear the government from imputations which were unjust, arising out of a misapprehension of the facts, by a course studiously contrived to make the proof of the offense compatible with indulgence to the offender.

This was so well understood to be the object of the proceeding, that Essex, who knew well enough what he was to be charged with (for the offenses were the same which he had been called on to answer before the Council, and which had been openly declared in the Star Chamber), came prepared with a speech of acknowledgment and submission, to be delivered with tears and tear-moving accents. But though prepared for the substance, he was not prepared for the style. From the Councillors, whether friends or enemies, he had always received good language. In the mouth of Coke the same charges assumed a form so irritating, that he was provoked to alter his tone and attempt a justification of all his acts point by point. This marred the effect, and had almost defeated the purpose of the hearing: for an exceptional indulgence would have been misplaced if the offense were not admitted. This however being represented to him, he explained that it was only the charge of *dishonesty* to which he could not consent to plead guilty; and being again assured that nothing of that nature was imputed to him, he was content to make a general submission with regard to the rest and throw himself upon the Queen's mercy. And the Commissioners being all disposed to press as lightly upon him as they could, and evidently expecting that a reconciliation would follow, concurred in the sentence pronounced by the Lord Keeper,—that he should be suspended from the execution of his offices and continue a prisoner in his own house, "until it should please her Majesty to release both



this and all the rest ; " a sentence amounting in effect merely to a quasi-judicial sanction of what had been already done.

The business was not over till late in the evening of the 5th of June. On the 6th Bacon saw the Queen, and endeavored to convince her that all was now well ; the world reasonably well satisfied, the Earl submissive, and the time come to make an end and receive him into favor again. She listened with apparent satisfaction, but it was fit that she should know what had passed and take time to consider, and she desired him to draw up an account of it. Within a few days he brought her a full narrative of the whole proceeding, read it to her on two several afternoons, and observed with pleasure that she was much touched with the part in which he had labored to set forth to advantage the Earl's own answer, — which probably lost nothing by the reporting. He did not succeed in persuading her to restore him at once to his former favor ; and we who know what projects he had been meditating just before and what he engaged in soon after, may easily believe that she had better grounds than Bacon knew of for suspecting the sincerity of his submission, and being disappointed with the result of the proceeding. It has always been reckoned among the Earl's virtues that he was a bad dissembler ; and if in his present state of mind he could assume the natural language and bearing of fidelity and loyalty, he must have been a very good one. Yet after some hesitation and delay she justified the opinion which had been conceived with regard to the spirit in which she was proceeding. Within a month she released him from his keeper ; and about six weeks after gave him liberty to go where he would, except to Court.

This opens a new chapter in his fortunes. No longer in danger, no longer under restraint, he cannot henceforth be supposed to be acting from fear. All that in the life



of a private man is most prized — freedom, leisure, popularity, wealth, gifts of nature, and accomplishments of education, — he possesses in greater abundance than most other men. If his purposes are good and his aspirations pure, there seems to be no reason why he may not be happy in retirement, and earn the right to reappear in his former, or more than his former, greatness.

## CHAPTER V.

A. D. 1600, JULY — 1601, FEBRUARY. *ÆTAT.* 40.

OF Bacon's speech in the proceeding at York House on the 5th of June the report is so meagre that we cannot judge for ourselves of the spirit in which he executed his task. We only know that he distinctly disclaimed on behalf of the government all intention to charge the Earl with disloyalty, "for if that (he said) had been the question, this had not been the place," and that after "considering particularly the journey into Ireland," he proceeded to the two points on which he had been instructed to enlarge by way of admonition, — namely, certain presumptuous expressions contained in the Earl's letter to the Lord Keeper in 1598, and his patronage of Dr. Hayward's book, of which part the reporter has only preserved one or two disconnected sentences. The subject was not of his own choosing; and for the manner of treatment, on which in such a case everything depends, as I do not find that any fault was found with him at this time by the Earl's partisans,<sup>1</sup> and as it is certain that during the next three months he was doing his best to bring about a reconciliation and that his services in that behalf — services of a very confidential kind — were willingly accepted and employed by the Earl himself, I infer that it was not unfriendly.

Those services commenced the next day, as I have already stated, in a private conversation with the Queen;

<sup>1</sup> Dr. Abbott has since found a letter from Sir Gilly Meyrick to the Earl of Southampton, in which he complains that Bacon was "very ill."

and were followed up shortly after by a letter to the Earl, in which he took occasion, as he had so often done before, to define frankly and clearly the conditions of the service which he offered.

TO THE EARL OF ESSEX.

MY LORD, — No man can better expound my doings than your Lordship, which maketh me need to say the less. Only I humbly pray you to believe that I aspire to the conscience and commendation first of *bonus civis*, which with us is a good and true servant to the Queen, and next of *bonus vir*, that is an honest man. I desire your Lordship also to think that though I confess I love some things much better than I love your Lordship, as the Queen's service, her quiet and contentment, her honor, her favor, the good of my country, and the like, yet I love few persons better than yourself, both for gratitude's sake, and for your own virtues, which cannot hurt but by accident or abuse. Of which my good affection I was ever and am ready to yield testimony by any good offices but with such reservations as yourself cannot but allow; for as I was ever wroth that your Lordship should fly with waxen wings, doubting Icarus' fortune, so for the growing up of your own feathers, specially ostrich's, or any other save of a bird of prey, no man shall be more glad. And this is the axletree whereupon I have turned and shall turn; which to signify to you, though I think you are of yourself persuaded as much, is the cause of my writing, and so I commend your Lordship to God's goodness. From Gray's Inn, this 20th day of July, 1600.

Your Lordship's most humbly,

FR. BACON.

To this letter Essex returned an answer such as Bacon might himself have dictated.

AN ANSWER OF MY LORD OF ESSEX, TO THE PRECED-  
ING LETTER OF MR. BACON.

MR. BACON.—I can neither expound nor censure your late actions: being ignorant of all of them save one; and having directed my sight inward only, to examine myself. You do pray me to believe that you only aspire to the conscience and commendation of *bonus civis* and *bonus vir*; and I do faithfully assure you, that while that is your ambition (though your course be active and mind contemplative) yet we shall both *convenire in eodem tertio*; and *convenire inter nos ipsos*. Your profession of affection, and offer of good offices, are welcome to me. For answer to them I will say but this: that you have believed I have been kind to you, and you may believe that I cannot be other, either upon humor or mine own election. I am a stranger to all poetical conceits, or else I should say somewhat of your poetical example. But this I must say, that I never flew with other wings than desire to merit, and confidence in my Sovereign's favor; and when one of these wings failed me, I would light nowhere but at my Sovereign's feet, though she suffered me to be bruised with my fall. And till her Majesty, that knows I was never bird of prey, finds it to agree with her will and her service that my wings should be impied again, I have committed myself to the mae. No power but my God's, and my Sovereign's, can alter this resolution of

Your retired friend

Essex.

Words could not describe an attitude of mind more becoming to the Earl's present position, or one which Bacon more wished him to maintain; and if he had had patience to maintain it, it is probable that in spite of all that had passed the Queen would have once more forgotten or forgiven his many offenses and received him again into favor. Cautious she was, and suspicious, and distrustful of fair words, as she might well be. But Bacon, judging from her demeanor, lived in continual expectation that she would relent. "Having received

from his Lordship a courteous and loving acceptance of my good will and endeavors, I did apply it in all my accesses to the Queen, which were very many at that time, and purposely sought and wrought upon other variable pretenses, but only and chiefly for that purpose. And on the other side I did not forbear to give my Lord from time to time faithful advertisement of what I found and what I wished. And I drew for him by his appointment some letters to her Majesty; which though I knew well his Lordship's gift and style to be far better than mine own, yet because he required it, alleging that by his long restraint he was grown almost a stranger to the Queen's present conceits, I was ready to perform it; and sure I am that for the space of six weeks or two months it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the Queen nor more made of than when I spake fullest and boldest for him."<sup>1</sup>

Of the letters drawn up by Bacon in Essex's name two have been preserved, which may possibly belong to this period. The object in both was to bring about what at this time Bacon most wished to see, namely, a personal interview; and the motive suggested was a consciousness on the Earl's part of being in the dark as to her wishes and feelings, and an earnest desire for explanation and direction, in order that he might in future avoid all courses that were distasteful, and serve her according to her own mind. But letters conceived in this spirit, though much more likely to dispose the Queen to a renewal of personal intercourse, as well as much more becoming in themselves, than the vague language of affected love and despair in which the Earl himself was in the habit of addressing her, must have been either much modified to bring them into conformity with the Earl's ordinary style, or exposed to suspicion of insincerity from the con-

<sup>1</sup> *Apology*

trust ; and the Queen might be better satisfied as to the real state of his mind if she knew how he expressed himself to other people, — speaking of her, not to her. Anthony Bacon was the person to whom on such a subject he would most naturally open himself, and it was accordingly arranged that letters should pass between them framed for that purpose. " It was at the self-same time that I did draw with my Lord's privity and by his appointment two letters, the one written as from my brother, the other as an answer returned from my Lord, both to be by me in secret manner showed to the Queen ; . . . the scope of which was but to represent and picture forth unto her Majesty my Lord's mind to be such as I knew her Majesty would fainest have had it ; which letters whosoever shall see (for they cannot now be retracted or altered, being by reason of my brother's or his Lordship's servants' delivery long since come into divers hands), let him judge, especially if he knew the Queen and do remember those times, whether they were not the labors of one that sought to bring the Queen about for my Lord of Essex his good."<sup>1</sup>

Anthony Bacon's letter was to urge the Earl not to despair of recovering the Queen's favor ; to show how in all her recent dealings with him she had taken care to allow no step to be taken which should be inconsistent with his restoration, and that " upon the whole matter, neither in her Majesty's person, nor in his own person, nor in any third person, neither in former precedents nor in his own case," was there " any cause of dry and peremptory despair." Essex was to answer, that as far as the Queen's *intention* was concerned, he believed it all ; but that as there were people about her who had had influence enough to overrule her intentions hitherto, they would still use it ; that those who had succeeded against her wish in bringing his cause to a sentence, would sue-

<sup>1</sup> *Apology*

ceed in preventing his restoration to her favor; and as he could not hope to serve, he must be content to pray for her. Such a theory of her proceedings, and such a temper in Essex, Bacon judged it expedient to present indirectly to the Queen's mind, as that which would both stimulate her to prove that she was mistress and revive her tenderness towards the man; and this was the device by which he proposed to manage it: a device which has been censured as immoral because the correspondence was to be represented to the Queen as spontaneous and not meant to go further; whereas it was really meant for her to see. It involved, no doubt, the concealment of part of the truth. But so does the suppression by a friend's advice of an angry letter written under a sense of injury, and the substitution of a courteous one; a proceeding which, though contrived for the purpose of concealing from the other party the real state of the writer's feelings and thereby suppressing part of the truth, no one would call immoral. All the rest of the transaction was in good faith. The contents of each letter were known and approved by the party that signed it. Anthony Bacon really believed for the reasons there assigned that the Queen would receive Essex into favor again, if he would be patient. Essex really believed that unfriendly counsellors stood between him and her. And the temper which his letter expressed was not only that in which Bacon most wished him to be and continue, but of which he was himself content for awhile at least to put on the appearance, and see what it would bring.

The first thing it brought was liberty. On the 26th of August he was formally released from all remaining restraint, except that which still forbade him to appear at Court without leave. A little patience in the same course would probably have brought about a complete reconciliation. But patience implies delay, and when dangerous secrets are involved, anxiety may make delay



intolerable. As long as his secrets were safe — secrets, be it remembered, of which Bacon had no suspicion, — Essex had nothing either to bear or to fear worse than want of power and favor. But what if they should by any accident come to the Queen's knowledge? In that case he might well fear for his head, unless he could in the mean time make himself too dangerous to be attacked. To make himself so he had two chances: one through the Queen's favor, which was to be won by the exhibition of loyal affection; the other through arrangements with Scotland and the army in Ireland for self-defense. And it seems that, not able to rely boldly upon either, he wanted to secure both. To the Commissioners who conveyed to him the Queen's order for his liberty, he declared that it was his wish to live a private life in the country; and only desired permission to see her once before he went. To the Queen herself he wrote letter after letter in the language of a man who valued nothing in the world apart from her favor. His request to see her being refused, he retired into the country in the beginning of September; remained quiet there for the rest of the month; and returned to Essex House in October, where "he lived" (as far as the newsmen of the time could learn) "very private, his gate shut day and night," suing unsuccessfully for a renewal of his monopoly of sweet wines, but "well, and with great patience enduring the heavy cross of her Majesty's displeasure towards him." Such was the aspect he presented to the world in general, and to those of his friends with whom, as with the Bacons, he could only venture upon a half-confidence. To those whom he regarded as assured partisans through thick and thin, he appeared in a very different light, — a man restless and impatient; bent on recovering his greatness, if not by lawful then by unlawful means; renewing his invitation to the King of Scots to take more vigorous measures for the recognition of his title; applying to

Lord Montjoy for a letter of remonstrance, under color of which, should his suit for the monopoly (the lease of which was to expire at Michaelmas) be rejected, he might "by means of his friends present himself to the Queen;" that is, make himself master of the Court; revolving many half-digested plans for engaging popular sympathy and support; and betraying in the agitations of uncertainty and anxiety a disorder of mind resembling madness. "It resteth with me in opinion (writes Sir John Harington) that ambition thwarted in his career doth speedily lead on to madness: and herein I am confirmed by what I learn of my Lord of Essex; who shifteth from sorrow and repentance to rage and rebellion so suddenly as well proveth him devoid of good reason or of right mind. In my last discourse he uttered strange words bordering on such strange designs, that made me hasten forth and leave his presence. Thank heaven I am safe at home, and if I go in such troubles again, I deserve the gallows for a meddling fool. His speeches of the Queen become no man who hath *mens sana in corpore sano*. He hath ill advisers, and much evil hath sprung from this source. The Queen well knoweth how to humble the haughty spirit, the haughty spirit knoweth not how to yield, and the man's soul seemeth tossed to and fro like the waves of a troubled sea."

Of all this Bacon knew nothing. He may have felt that the Earl's professions of devotion to the Queen did not spring out of any deep feeling either of love or reverence; but he did not know that his attitude of despairing affection was deliberately assumed as a mask; that he wore armor under his gown; and was prepared, if he could not gain his end by begging, to take it by force. Had he been aware of this, he would have had no difficulty in accounting for the revulsion he describes as taking place about Michaelmas in the Queen's feelings. It was at Michaelmas that Essex's monopoly-patent expired,

the renewal or non-renewal of which he had determined to regard as a decisive test of the Queen's disposition towards him; and in case of non-renewal to abandon at once the trial of patience and submission, and resolve upon some other course. The disposal of the lease remained in suspense till the end of October, when it was assigned to Commissioners for the Queen's own use; and Essex took his resolution accordingly. Such a resolution in such a mind would inevitably produce a change of manner which would put the Queen upon her guard, even if we reject as scandal the report that it betrayed him into expressions of coarse contempt, which were repeated to her; and though Bacon in his "Apology," dealing as tenderly as possible with the Earl's memory, shrinks from suggesting the true explanation, Montjoy, to whom it was addressed, and who knew better than Bacon what Essex had really been about all this time, would easily supply the omission; which being supplied, the issue follows naturally enough. "The truth is" (proceeds the "Apology," immediately after the words last quoted from it) "that the issue of all his dealing grew to this, that the Queen, by some slackness of my Lord's, as I imagine, liked him worse and worse, and grew more incensed towards him. Then she, remembering belike the continual and incessant and confident speeches and courses that I had held on my Lord's side, became utterly alienated from me, and for the space of at least three months, which was between Michaelmas and New Year's tide following, would not so much as look on me, but turned away from me with express and purpose-like discountenance wheresoever she saw me."

Thus we see that from the latter part of July to the end of September Bacon, though treated as a confidential adviser, had really been kept in the dark as to half the Earl's case; and that from the end of September his influence over his conduct and fortunes was entirely at an

end. Thenceforward, the Queen's ear being shut against him, and Essex following his own course not only against his advice (as he had long done) but without his knowledge, he had no means of interfering either to guide him from errors or to protect him from the consequences of them.

For awhile therefore he retires into the background and occupies himself about his proper business; which was partly the business of the Counsel Learned in looking after matters of law and revenue; partly, I suppose the preparation of his Reading on the Statute of Uses, — for he had just been chosen Double Reader at Gray's Inn for the following Lent, and was about to deliver a course of lectures on that subject; and partly the payment of debts and clearing of his estate from embarrassment.

The Earl of Essex in the mean time, being left to his own counsels and the suggestions of bold men who had already gone too far with him to be safe without going further, returned to the policy from which accident and better advice had diverted him, and applied himself to prepare means of forcing access to the Court in such a shape that he might make his own conditions. The conditions were of course to be for the general benefit; but as he had tried in vain to obtain them without force, there was no help for it — he must use force to obtain them. With this view he had already for the second time applied to Lord Montjoy. Two months before the expiration of his lease of the monopoly of sweet wines, he had sent Sir Charles Davers over to Ireland to communicate his designs and make arrangements for co-operation. But Montjoy, who was now proceeding warily and prosperously with his proper work, disapproved the project and would have nothing to do with it. Help from the army in Ireland, therefore, which he had always looked to as a principal arm of his enterprise, he was obliged to dispense with. But he still had hopes of as-

assistance from Scotland. The legitimate interest which the King had in the succession gave him a right to watch with jealousy all movements which bore upon the disposal of the crown after the Queen's death. And if he could be persuaded that the guidance of affairs in England was now in the hands of persons who favored the title of the Infanta, that the people were on that ground extremely discontented, and that the object of Essex was merely to remove and replace them by persons friendly to his title, he might be induced to countenance and assist the action. Communications were made accordingly, and though care was taken to destroy all record of the particulars, there yet remains a letter of instructions addressed by James to his ambassadors, from which it may be probably inferred that this was in fact the general tenor of them.

His next care was to draw into the enterprise as many men of note and ability as could be gained. And this was to be done by working upon the discontents of those who were already discontented, and exciting discontent in those who were not. The "strange words bordering on strange designs" which alarmed Sir John Harington were probably meant for feelers. And as early as the beginning of August (about the same time that Davers was sent to Montjoy) he had certainly made an elaborate attempt to breed misunderstanding between Sir Henry Nevill and the Court. Sir Henry Nevill was a kinsman of Sir Robert Cecil's; was then ambassador in France; and was returning to England on the business of his embassy, in which something had gone wrong. The first thing that met him on his arrival was a friendly warning from the Earl of Essex (left at his lodgings the day before by Henry Cuffe) that bad offices had been done him at Court, and that they meant to lay upon him the blame of the miscarriage: a statement which proved to be quite groundless. And afterwards during all that

year great pains were taken to draw him into communication with the Earl's most intimate advisers; nor altogether without success: for he was betrayed into a knowledge, though not into participation or approval, of their designs. By like means and under various pretexts a great number of considerable persons were drawn in, more or less deeply, and with more or less knowledge of what was really going on. The Catholics were flattered by promises or what they took for promises of toleration; the Puritans by show of sympathy; stories of Spanish intrigues were set afloat to alarm the multitude; and all plausible courses were taken to attract towards Essex House men of all sorts that were thought likely to favor the objects or follow the fortunes of the conspirators when they should be ready for action; the nature and even the existence of the conspiracy being all the while carefully concealed from all but a very few persons who met in secret conclave at Drury House—a house in the neighborhood, belonging I believe to the Earl of Southampton, in which Sir Charles Davers lodged. By the end of January, 1600-1, all these intrigues and secret consultations had ripened into a deliberate and deep-laid plan for surprising the Court, mastering the guard, and seizing the Queen's person; and so forcing her to dismiss from her counsels Cecil, Raleigh, Cobham, and others, and to make such changes in the state as the conspirators thought fit. By the 4th of February the plan of action had been agreed upon; the posts and parts of the several leaders assigned; everything settled except the day: and the secret was still safe. But though the arrangements were the work of a few heads, the execution required many hands; and as the time drew near and the forces gathered, it became impossible to manage matters so as not to attract attention. On the 7th of February, which was a Saturday, the stir about Essex House had become so great that the Council thought it needed looking after;



and a son of the Lord Treasurer's was sent thither as on some ordinary occasion of compliment, that he might see what was going on. Upon whose report one of the Secretaries of State was dispatched to summon the Earl himself to come and speak with them. He, conscious of his own secrets and imagining that they knew more than they really did (for as yet they did not in fact know anything, and meant only "to reprove him for his unlawful assemblies and wish him to retire into the country"), and fearing an arrest, sent word that he was too ill to go; and immediately called his fellow-conspirators into council. What was to be done? The plot was evidently in danger of discovery, and could not wait the due time. The blow must be struck at once or it would be intercepted. But how? Their party was not strong enough to master the Court except by surprise, and surprise would not be practicable if alarm had been taken. Their best chance seemed to be an appeal to the City. The citizens were for the most part armed and trained, and the Earl having always been a favorite with them, a plausible pretext might bring them to his side in numbers sufficient to overpower resistance. But what should the pretext be? For what object could they be called on to arm? For the name of Essex had not as yet been associated with any object of popular desire, except victory over foreign enemies or domestic rebels. It had never meant liberty, or plenty, or justice, or no-Popey. And an unorganized multitude, however eager it may be in affection for a man, will hardly take up arms and follow him into the field without knowing what for. The story of a plot among the ministers in favor of the Infanta, which had been invented to alarm the King of Scots and draw him into the enterprise, might have served the purpose if it could have been made credible. But though it had been already set afloat in London, it was meant, I fancy, to produce its effect further off. At the other end of the island



such a rumor might obtain some credit, and serve to justify or to stimulate the proposed interference of the King in behalf of his title. But in London who could believe it? The best thing they could think of was an appeal to the affection of the people for Essex himself. Multitudes are always ready to believe that their favorites are ill used: and if they thought that Essex was in personal danger they would gather to the rescue fast enough. With this hope a story was invented on the sudden, and carefully spread abroad the same evening, of a plot to murder him; — coupled sometimes with the unpopular names of Cobham and Raleigh — sometimes with a vague rumor of "certain Jesuits to the number of four." This alarm would certainly bring all his friends about him, and might prepare the people for an appeal the next morning. And when this was thought by some too uncertain a hope to rely on, a message arriving opportunely from the City to declare their readiness to stand by him — a message invented, it was suspected afterwards, by some of his own party to quicken his resolutions, but believed at the time to be genuine — satisfied the doubters and decided the question that way.

Early on Sunday morning his friends arrived from all sides at Essex House: to the number of "three hundred gentlemen of prime note." But while he was explaining to them the pretended danger which hung over him, the necessity of providing means of self-defense, and what assurance he had that the citizens would take his part, there arrived from the Court (for his refusal the day before to answer the summons of the Council had effectually awakened their suspicions) his old friend the Lord Keeper, with three other of the lords (all belonging to what was considered as his own party), sent by the Queen to demand the cause of the assembly, to promise that if he had any complaint to make it should be heard, and to command them to disperse. Had the hearing of

his complaint been offered only on condition of his going in person to deliver it, there might have been some color for refusing. But they only asked him to communicate it to *them*, — to communicate it privately, if he did not like to declare it openly; promising that they would make a faithful report of it to the Queen. What was to be done now? He knew well enough that he had no complaint to make that would bear the examining, nor any demand to prefer which would even bear the stating; the only thing he wanted being that which, then more than ever, it would have been ridiculous to ask for, except as a condition imposed by a conqueror. However fair the offer therefore, it was clear that it could not be accepted. Yet to send the Lords back with a simple refusal would have been almost as great a contumacy as to detain them. To let them go would only be to give alarm the sooner; and if he kept them there they might be of use afterwards in making terms. So he decided to lock them up in his library; and leaving them there under guard, set off himself on the instant accompanied with some two hundred gentlemen to try his fortune in the City.

The plan of action, as settled the night before, was to go on horseback, to arrive at Paul's Cross before the end of the sermon, to explain the pretended case to the Aldermen and people whom they should find assembled there, and call on them for help: if they found them ready to join, then to proceed with the action; if not, to fly to some place of safety. But the visit of the Councillors, by precipitating the movement, spoiled the execution. The horses were not ready, and Essex wanted either the patience or the courage to wait for them. The party went on foot. And now everything depended upon his success in exciting the people and inducing them to take his part. He was a good speaker, and always sure of favorable listeners: and it was one of those cases in

which rhetoric can sometimes do the work of an army. A Mark Antony might at that hour have set mischief on horseback. But Essex had not prepared his speech; and being no actor, and having nothing to say that could possibly come spontaneously, he made no attempt to address the people — only cried out as he passed along that his life was in danger, — his enemies were going to murder him. Now though his followers were armed only with their swords, yet at mid-day, in the heart of a populous city, all friends, and no enemy in sight, a man with two hundred swords at his back could not be in any immediate danger of being murdered. If that was all, there was time to hear more; and the people in the streets only followed, wondering what might be the matter. Thus he passed all through Cheapside and Gracechurch Street, till he came to the house of Sheriff Smith, who commanded the trained bands, and in whom he thought he had an interest. But the Sheriff, though a friend, was not an accomplice; and having heard his story, withdrew to consult the Lord Mayor. To hesitate in such a case was to refuse; for time could only make the absurdity of the pretext and the hopelessness of the enterprise more apparent. Finding therefore that the pretense of danger to himself from private enemies (who, for the present at least, could not possibly hurt him) brought no armed men to his side, he now bethought himself of his other fiction, — the pretense of danger to the people from the public enemy; and cried out that "the crown of England was offered to be sold to the Infanta." How, where, or by whom, he does not seem to have attempted to explain; still less what kind of action he wanted their help in, with a view to prevent the sale. Nor indeed was there leisure now for explanations. For by this time he had been formally proclaimed traitor through the city, and troops had been collected to oppose him. And seeing that not a single new man had

joined his party, while those who came with him were beginning gradually to steal away, it was evident that all chance of success was gone.

His best course now (escape into the country being impracticable for want of horses) would probably have been to remain where he was with as many men as he could keep about him, and send some one to negotiate terms of surrender, before the Government were fully aware of the helplessness of his position. This was the advice of Sir Ferdinando Gorge; who went to Essex House with his authority, released the imprisoned lords, accompanied them to the Court, and tried to make it appear that the Earl's power was still formidable, and that they had better offer him fair terms while they could. But while he was thus engaged, the Earl himself, upon what motive must be left to conjecture (for the authorities of the city had not attempted to lay hands on him), resolved to return to Essex House. Perhaps he thought that, if he could maintain himself there for a few hours, the citizens would take courage and come to the rescue. Perhaps (which I think more likely) he remembered that he had left in Essex House a casket of papers, which if they fell into the hands of the Government would be fatal to his hopes, by betraying the real objects of the conspiracy and the falsehood of the published pretense. But it is vain to seek for rational motives in an action which from first to last was conducted in defiance of reason. Certain it is that he did make an attempt to force his way back towards Essex House through Ludgate Hill, that being repulsed by the troops collected there he went round by the river, entered with some fifty followers by the watergate, burned certain papers, saying that "they should tell no tales," and prepared to defend himself. But whatever danger he may have escaped by destroying those papers, it was at the cost of placing himself at the mercy of the Government,

who now knew that he could not escape, and that he must within a few hours surrender at discretion. The news was brought to the Council while Gorge was negotiating, and of course settled the question. Essex House was invested on all sides by an overpowering force, and about ten o'clock at night they all surrendered, and were conveyed to prison.

So little had the Government been prepared for such an outbreak as this, that as late as eleven o'clock that morning no unusual provision had been made for defense; since which hour they had had work enough on their hands in dealing with the immediate danger. They had now a breathing-while to consider what it was, what it meant, and what remained behind. That upwards of a hundred noblemen and gentlemen of birth and quality had been gathered together in London, ready at an hour's notice to join in open insurrection, and that they had had some understanding with the authorities of the city which encouraged them to expect, though they had not found, armed aid there; this they now knew; but as yet it was all they knew. What the conspirators were aiming at, on what their hopes rested, what was their present bond of alliance, what other allies they had in reserve, — all this was a mystery. Not one of them (so far as the Government was aware) had anything to fear; or anything to complain of, worse than want of Court-sunshine. No popular grievance was in agitation; no popular favorite in prison. Yet some principle of combination there must have been. The project of an armed insurrection against a government so firmly planted, had it been but the sudden thought of Saturday night, could not have been known, taken up, and put in act on Sunday morning, by so many persons of so many qualities coming from so many places, unless they were prepared by some previous arrangement or excited by some panic alarm. Yet what had occurred to create such alarm?

Nothing more than a civil message, unaccompanied with force or threat of force, requiring Essex to appear before the Council? What danger could there be in that, worth avoiding by so desperate a plunge?

Those who have followed my narrative can already answer this question. A summons to the Council implied suspicion; suspicion implied danger of discovery; and discovery would be as ruinous as defeat. Conscious of secrets the disclosure of which would itself be fatal to them, the leaders of the conspiracy were ready to take alarm upon the first symptom of alarm taken by the Government, and resort to sudden flight or sudden resistance as the less hazardous alternative. But this, though known to us, was not known to the Council. To them on Monday morning, the 9th of February, this only was apparent: that there was some great undiscovered treason on foot somewhere, — all the more to be dreaded because there was nothing to show where or of what nature. The first thing to be done, after securing the prisoners and providing against riots and rescues, was to take possession of their houses and papers, to inquire after strangers and strange doings, to set a watch upon the ports, and to instruct all persons in authority to be at their posts and on their guard. These precautions being taken against its further spreading, the next thing was to hunt the treason to its source; and now Bacon (whom we left busy with his private concerns) reappears upon the public stage, though the part he has to play is not for the present a conspicuous one.

Since Michaelmas, if he had any communication with Essex (of which I find no traces), it cannot have been of a confidential kind. Essex could not deal honestly with him, and being full of his own work, probably had no dealings with him at all. With the Queen he had had one conversation, which was in the beginning of January. Finding that her growing dissatisfaction with Essex made



her look with suspicion upon one who had been so earnest and assiduous an intercessor for him, he requested an interview; from which, though he succeeded in reassuring her with regard to himself, he came away with a determination to meddle no more in a business in which it was plain that he could do no good, and endeavor to put his own personal concerns upon a better and sounder footing.

While he was engaged, as we have seen, in making arrangements for the payment of his debts, the unexpected outbreak on the 8th of February summoned all well-disposed subjects to their posts; and his post was among the Counsel Learned. As one of that small body of practiced and confidential servants whose duty it was to fight the Queen's battles in the courts of justice, and serve her as a kind of legal body-guard, he along with the rest, on the 11th of February, while the whole affair was still an inexplicable and alarming mystery, received a commission from the Council to assist in unravelling it. The quantity of work before them was so great, and the occasion so urgent, that they arranged to divide their labor as much as possible, working in separate parties of not more than three together;<sup>1</sup> and they set to work accordingly, taking the several prisons in succession. For seven days the investigation went on without any satisfactory result; but at last the real secret was discovered. It seems that the Council had reserved to themselves the examination of the leaders of the insurrection, leaving Coke, Bacon, and the rest to pursue the inquiry in other quarters. From one of these they succeeded (but not before the 18th of February) in extracting the secret (known only to seven or eight persons) of the preparatory consultations at Drury House. The others who were reported to have taken part in those consultations being thereupon reexamined, and finding by the ques-

<sup>1</sup> Bacon was associated with Mr. Wentworth and Sir Jerome Bowes.



tions that the truth had come out, were unwilling to make their case worse by persisting in the falsehood, and confessed the whole with little or no reserve. Their several confessions, agreeing as they did in all the main points, supplied unquestionable proof of deliberate and premeditated treason; and from that moment the whole affair was intelligible.

Delay in such a case was not without its dangers. Already one daring attempt to compel the liberation of the two Earls by putting the Queen in fear of her life had been discovered and prevented; and the examination of the prisoner had suggested the possibility of other dangers of a more formidable kind in the background; for it appeared that hopes were in the wind of a combination in their favor between Montjoy and the rebel chiefs in Ireland. The best security against such movements, the strength of which lay in the popular misapprehension of the truth, was to bring the case to public trial as soon as possible. The new information had been immediately communicated to Coke and Bacon, with instructions to spend no more time upon the less conclusive parts of the evidence but to proceed at once upon this; and it was determined to arraign the Earls of Essex and Southampton the next day. What their defense would be no one could foretell. They had not been themselves examined, nor were they aware of the confessions which had been made by their confederates. It was necessary therefore that the counsel for the prosecution should be prepared to meet them at all points; and though Coke was the leader and manager, Bacon was of course to be in his place, ready to help if his help were wanted. The sequel will show that for the true and legitimate ends of justice the part he had to take was not unimportant. But in order to exhibit the proper effect and significance of it, I shall have to enter at some length into the history of the trial.

Essex had had time enough to consider what story he should tell. He was prepared to hear several acts proved against him which in strict construction of law amounted to treason. When commanded in the Queen's name by the highest officers in the land to lay down his arms and disperse his company, he had made no attempt to do so; but had on the contrary arrested and confined the messengers. He had called on the citizens to arm and join him, after being formally proclaimed traitor, and summoned to surrender by a herald. He had charged the Queen's forces on Ludgate Hill, not being himself attacked. He had defended his house against the Queen's lieutenant. And in the course of these acts of resistance to lawful authority, he had caused the death of some of the Queen's subjects. All this was notorious and could not be disputed. Still, if all was done in self-defense; if he really believed that his life was in danger, and that this was the only way to save it; if he durst not go to the Council for fear of being shot on the road; durst not lay down his arms or dismiss his company for fear of being attacked in his house by armed assassins; went into the city for help because he feared that the three hundred friends who were gathered about him were not enough to defend him against such a force as he was threatened with; and finally, not finding the help he sought, attempted to force his way to the palace and the Queen's presence only as a place of refuge from the supposed danger; there can be no doubt that these acts, however the law might construe them, had not either the moral or the political character of treason; morally, they did not imply the intent; politically, they did not entail the danger. Such an excuse, if it could have been made good, might have raised the question whether the Earl were fit to go at large, but would have acquitted him of treason and rebellion. It had the advantage of being the story which he had already told, — the motive

which he had publicly alleged for all that he did on Sunday ; and the acts of that day taken by themselves were so hard to reconcile with reason upon any motive, that if what he did on Sunday was *all* he had to explain, it might perhaps be thought not absolutely incredible. The fatal fact which it left utterly unexplained — the fact that an attack upon the Court had been under consideration for months, and planned in detail for weeks, before any apprehension of personal danger had been so much as rumored, or any fear shown of going abroad without an armed escort, — this fact being known only to seven or eight persons, every one of whom was by the nature of the case bound on peril of his life to keep it secret, he trusted was in no danger of discovery. He came prepared therefore to take up this position for his defense.

The opening of the case by the Queen's serjeant contained nothing to alarm him. Though the action was compared to that of Catiline, the acts recited were only those which everybody knew of. To the prayer for the Queen's safety with which the speech concluded he cheerfully said Amen, and strengthened it with an imprecation of his own upon the souls of all such as wished otherwise.

Nor was he less prepared for the law logic of Coke ; who, "suddenly rising," undertook to prove that the intention of the act was nothing less than "to take away the prince from the people." By the law, he who usurps the prince's authority is supposed to purpose the destruction of the prince ; and he who assembles power and continues in arms against the prince's commandment — he who levies forces to take a town or fort, and hold it against the prince — usurps the prince's authority. All this Essex had of course expected. And when the orator went on to describe the particular mode of usurpation which he had attempted — how he had intended to take

"not a town, but a city; not a city alone, but London the chief city; not only London, but the Tower of London; not only the Tower of London, but the royal palace and person of the prince, and to take away her life," — though he was treading near dangerous ground, it might be hoped that he was merely constructing a rhetorical climax; that he knew only of the attempt to obtain help in the city, and that the ascending steps and crowning conclusion of the charge grew out of it by the ordinary rules of oratory, without better evidence. "Wondering and passionate gestures" from the Earl, as clause rose over clause, breaking forth at the culmination into a vehement protestation that "he never wished harm to his Sovereign more than to his own soul," intimated to the audience how extravagant the imputation was. A hint concerning "a little black bag, wherein was contained the whole plot," touched nearer; but the contents of that bag had been destroyed, and could only be known by guess or by report; any evidence founded upon that might therefore be contradicted and out faced. But when Coke came at last to explain in detail what the plan was — how the Earl "had plotted to surprise the Court, and had disposed of the several places thereof to be guarded by special persons about him: how the gate had been committed to Sir Christopher Blount, the hall to Sir John Davies, the presence to Sir Charles Davers; while himself was to take possession of her Majesty's sacred person," and then proceed, among other things, to call a Parliament; it became evident that he had by some means or other got at the fatal truth. The statement was too circumstantial and too exactly true for a guess. And when he wound all up by promising to prove all this as clear as the sun by the evidence he had to show — "being for the most part examinations of such as were of the confederacy, all severed in prison, but agreeing in the chief points of their confessions" — it

was clear that if the promise could be made good, the proposed defense would not meet the charge.

Not well knowing what to say, yet too uneasy to remain silent any longer, the Earl begged here to be allowed his turn to speak. Their memories, he said, were not strong enough to retain so many matters: he desired of their Lordships that they might have leave to answer, first to the accusations in general, and then to the particular evidences as they should be delivered: a request which, though very properly objected to by Coke, whose objection the Lord High Steward supported, was upon the advice of the Lord Chief Justice granted; after which during the whole course of the trial both the prisoners spoke whenever and whatever they pleased; with such results as we shall see.

Why Essex should have desired to speak at this juncture to the accusations in general, it is difficult to understand. For not yet knowing what he had to answer, he could not yet answer to the purpose; and what he had to say by way of appeal to the feelings of the audience would have had a better effect in immediate connection with his reply. But a request to be fairly heard, with a brave protestation of indifference to the issue, except in so far as it concerned the fortunes of his friends and his own reputation for "fidelity and true allegiance towards her Majesty" (which was all he had to interpose at present), gave him for awhile the sympathy of an audience that way disposed. And then the business began.

Before I proceed to give an account of what followed, I may as well state that I have taken for my authority a manuscript report of the trial in the possession of John Tollemache, Esq., of Helmingham Hall, in Suffolk, who kindly permitted me to take a copy of it for use in this work. The original possessor appears to have been Lionel Tollemache, of Bently, whose name is written on the title-page; and I am informed that it has always been

in the possession of the family. The Tollemaches were connected with the Earl of Essex, and it is to him that the reporter (though nowhere wanting in fairness and intelligence) has evidently paid especial attention: his speeches being set forth at greater length than the rest, and his behavior throughout the trial particularly described; a peculiarity which (as the case for the defense is to be found only in the Earl's own speeches at the trial, of which we have no authorized report, whereas the case on behalf of the Queen is fully known to us through an official statement published by her own authority) gives this manuscript the greater value. As the production moreover of one who set down only what he heard and saw, I take it to be a better authority for the actual *order* of the proceedings than the report given in the State Trials; whether in its original shape, or as reproduced by Mr. Jardine with additions and variations in the "Library of Entertaining Knowledge." For in both those versions there is evidence of patchwork: documents not contained in the original manuscript having been supplied from elsewhere, and their places assigned according to the compiler's conjecture, without other evidence; whence arise some important differences, not only in the substance and general effect of many speeches, but in the very order and connection in which the most important parts of the evidence were brought forward: an order which it is necessary in some cases to know before we can understand the true import of the defense. On questions of this kind I take this Tollemache MS. to be the more trustworthy guide, and where my story differs from the received story, which it will be found to do in some not unimportant particulars, it is to be understood that this manuscript is my authority.

The order in which the evidence was brought forward seemed at first to promise favorably for the defence. The action having been in fact an enforced and unmedi-

tated *deviation* from the original design, without reference to which its true character could not be made intelligible, the most natural way of introducing the subject would have been to begin with the proof of what had been intended and then to show what was actually done. But Coke began at the other end; opening the case with the proceedings at Essex House on the arrival of the Councillors, and selecting moreover for his opening evidence the very worst witness probably on his list. Mr. Widdrington of the North was one of the Earl's own party and had followed him into the city. He stated in his examination, among other things, that being alarmed at the violence of the language which he heard used with respect to the Councillors, he had warned the Earl of it, who went away from him without giving any answer; after which "going down amongst the company, he perceived amongst them that order was given that if any violence was offered to the house, or that the Earl of Essex miscarried in London, that then the Lord Keeper and the Lord Chief Justice should be presently killed."<sup>1</sup>

That he was the only witness who could speak to this last point, while it explains the value which Coke attached to this deposition, supplied Essex with a great advantage in answering it. The charge rested upon the evidence of a man personally implicated, who was telling a story favorable to himself, speaking of things of which there must have been many other witnesses, yet not corroborated by any other, and who moreover was not himself at hand to vouch his words or answer questions. Essex excepted to it on these grounds, and his exception seems to have been allowed; for nothing more was heard of this deposition or this charge; and a better and fitter witness was immediately brought forward.

<sup>1</sup> I quote here from the written examination in the State Paper Office. The *Testimony* of Mr. Widdrington is as saying that "order was left by the Lord that they should be killed if he should miscarry in London."



This was the Lord Chief Justice; whose story, very simply and quietly told, and confined to what he had himself seen or heard and what the rest could testify, fully proved the Earl's refusal to disperse his company or to explain his grievance, being required to do so by the Lord Keeper, and the forcible detention of their persons by his authority while he himself went into the city. But all this lay within the lines of the Earl's proposed defense; who without disputing any of the facts hastened to explain them and show that they implied no disloyalty. It was true that he had detained the Councillors; but it was only for their own security. "Having had divers advertisements both the night before and that present morning of preparations by his enemies to assault him in his own house," he feared that in the tumults which were likely to ensue they might perish. It was true that he had not dissolved his company at their bidding; but it was because he could not have done it; for just at that moment "the people abroad in the street with a great and sudden outcry said they should all be slain," at which time they thought their enemies had beset the house. It was true that they went to the city for protection, not to the Council; but it was for a like reason,— "they feared they should be intercepted by their enemies to their uttermost danger." Of his refusal to communicate his case privately to the Lord Keeper, which could not have been explained by the same motive, he does not appear to have offered any explanation. But the ground of defense implied in all these answers was distinct and explicit: Everything had been done under the belief that he was in immediate danger, not of false accusation, not of detraction, not of Court malice, but of an attack by armed men. And since the clearest proof that he had no reason for believing such a thing was no proof that he did not in fact believe it, it is possible that he might have made a plausible stand upon

that ground, had the case against him ended there. But what if it could be shown that he had himself been making preparations for an armed attack upon the Court some weeks before? Such preparations could have no relation to any such alarm as that to which he imputed his actions on Sunday. Leaving the excuse therefore (for which he does not seem to have been prepared) unanswered at the moment, Coke proceeded at once to produce evidence of the preliminary consultations.

First came the examination of Sir Ferdinando Gorge; in which was revealed, among other things, "the consultation at Drury House, where was moved the taking of the City, the Tower and the Court;" and where, upon a debate "how all or some of them might be surprised," Sir John Davis had "undertaken to frame a plot to take the Court; designing Sir Christopher Blunt to make good the gate; Sir John Davis the hall; Sir Charles Davers to possess the great chamber and to take hold of the guards' halberts and to keep the company of the presence from issuing forth; the Lords themselves to pass immediately to her Majesty. But" (it was added) "upon these motions nothing was resolved, but referred to the Earl of Essex his own ordering."

These disclosures (the substance of which I quote from the contemporary report in preference to the written examination, because I do not otherwise know how much of the written examination was read at this stage in the proceedings) compelled Essex to take up on the sudden a new position. It was plain that such a consultation could not have been forced upon him by fear of being beset in his house or waylaid at his door. What account should he give of it? His first impulse was to demand that Sir Ferdinando should be sent for, as implying that he would not confirm that evidence face to face, and hoping perhaps that they would not venture to produce him. But when he saw that no objection was made and Sir

Ferdinando was at once sent for, he began to prepare for the encounter by a partial admission of the fact. It was true that something of the kind had been talked of; but it had never been resolved upon; and if it had, what was it? only a plan for procuring a personal interview with the Queen, "that he might utter his complaints; which he knew were so just that her Majesty upon those allegations which he should urge against his adversaries (the Lord Cobham, Mr. Secretary, and Sir Walter Raleigh) would graciously hear him" and consent to remove them from about her. For it was not his private injuries only that he had to allege against them, but likewise "many foreign practices and broils in neighbor states" of which they were the root. And how desirable it was that such men should be removed from the Queen's ear, he referred to their Lordships' own consideration. "If I spake a wonder," he proceeded, "when I mentioned these mine enemies should be removed, I should need to strengthen my assertions with good reasons. But if many of your Lordships here present have heretofore conceived enough of it, I need not further at this present time give reasons for it. But (he added) when I and my company had procured access to her Majesty, we meant to have submitted ourselves to the Queen with paper, and not to have justified our act with sword."

Had Essex been a man to be suspected of subtle tactics, one might have given him credit here for a daring and skillful stratagem. One might have thought that, seeing the completeness of the evidence with which he was threatened, and feeling that his best chance was to throw it into confusion by drawing the Court into hot and personal discussions away from the point at issue, he had promptly resolved to throw down this audacious challenge, although he was throwing away along with it the only fair plea for which his own admission now left room. If the attack upon the Court had been merely talked of and

never taken shape as a formed intention, he might have asked pardon for the thought on the ground that he had himself disowned and condemned it. Whereas in thus justifying it before the Court and confidently claiming their sympathy and sanction, whatever criminality there was in the *meditation* of an enterprise, which if put in act no man could doubt to be treason, that criminality he accepted for himself. The truth probably is that he spoke on the impulse of the moment, out of the abundance of his dislike, without thinking either of nearer or remoter consequences. But whatever may have been the intention, the effect followed. For before Sir Ferdinando arrived, though he was no further off than the Gatehouse, the Attorney General and the prisoner were already disputing about matters which had no reference to the case—about the alleged subornation of a witness to accuse the Earl of a conspiracy with the King of Scots concerning the succession, and about a forgery of his handwriting by a scrivener which had been used to extort money;—and Lord Cobham had been provoked to rise in his place and demand an explanation of the charges just thrown out against himself.

The arrival of Sir Ferdinando put a stop for the moment to these unseasonable digressions, and brought them back to the business of the day. But it did not otherwise alter the case. Face to face he simply re-affirmed what he had stated in his examination, declaring that it was all he knew. Nor was anything new elicited by the cross-examination, except a virtual admission by the Earl of Southampton that such conferences had been held; and a declaration by Sir Ferdinando that at the conference which he had attended the subject was spoken of as a thing which had been for three months in consultation.

Sir Ferdinando being withdrawn, it might have been expected that the curiosity of the Court would concur

with the policy of the prosecution in calling for the evidence (already announced as forthcoming) of the other confederates who had witnessed what passed at the Drury House consultations: those consultations being in the highest degree material, being of a nature not to be established by the testimony of a single witness, and having for all but a few of the Councillors the interest of perfect novelty. But it seems that the cheerful confidence with which the Earl had taken his stand upon the plea of personal danger (which was a story equally new) had made its impression on the Court. And that allegation having been neither justified nor refuted, they wished before proceeding further to hear what reason he had for apprehending any such danger; "for," said the Lord High Steward, "you speak things without probability."

This led to another digression, which brought Sir Walter Raleigh on the stage. For when the vague assertions with which the Earl tried to satisfy them — that he knew of these preparations "many ways," — that he had received "intelligence upon intelligence," and the like, — could not be accepted for proof, and some particular evidence was insisted upon, he at last fell upon this: that Sir Walter Raleigh having desired to speak with Sir Ferdinando Gorge, they had met by appointment on the river that Sunday morning; and that Sir Walter had "wished him to come from them, or else he were a lost man and as a person entering a sinking ship; of which words" (added the Earl), "when we heard them, what other construction could we make, but that there was some imminent mischief intended towards us?" So weak a shift might very well have been left to itself, and accepted only as an admission that the alarm was a fiction and an after-thought. But Raleigh desired to explain; and being sworn (and sworn, for the Earl's better satis-

faction, on the largest copy of the Testament<sup>1)</sup> proceeded "with a settled countenance" to relate what had passed. Being a friend of Sir Ferdinando's, he had advised him to return to the country, where he had a charge — [he was Governor of Plymouth] — and whither the Queen would have him go. Sir Ferdinando thanked him, but answered, these were no times of going; for the Earl of Essex stood upon his guard: whereat Raleigh wondered, not having heard of it before, and answered, — "If you return, then you are a lost man." Upon this Essex only observed that "it was told them otherwise."

This then being all that the Earl had to allege in justification of the apprehension under which he professed to have been acting, that question might now be considered as disposed of; and it was time to proceed with the evidence as to his real design. But the Attorney General himself seems by this time to have lost the thread of his own argument; and instead of producing the other examinations, wandered away into questions concerning the speeches the Earl had used in the City, the slight regard he had paid to the herald, the religious belief of his associates, and other extraneous or collateral matter of that kind; all which opened to Essex a large field for vague protestations of his own loyalty and sincerity, and vague complaints of the courses taken by the Government — courses which (he assured the Court) "had made an honorable, grave, and wise Councillor oftentimes wish himself dead;" wherein an incidental allusion to an assault which had been made upon the Earl of Southampton called forth Lord Grey to defend himself, and led to a lively passage of sharp words between those two. Which interruption being over, Coke took up the word again; and still for-

<sup>1)</sup> "And here Sir W. Raleigh desired on his knees to sat six for that point, and having leave sent ready to swear, when vehemently the Lord of Essex cried out, 'Look what book that he swears on.' And the book being in French, or the great volume, was looked in and changed to a book in f. lio of the largest size."

getting that he had left the main point only half proved, called on the Earl to justify his announcement to the people in the City that the state was sold to the Spaniards by Mr. Secretary: a demand which led the way to the longest, the liveliest, the most exciting, and also I must add the most irrelevant digression that had yet been thrown in the way of the rational investigation of the question on which the Court was assembled to decide. Essex declared that he had had advertisement of this practice "many ways;" but the one fact which he offered by way of evidence was this: himself and Southampton "had both been informed how Secretary Cecil had maintained to one of his fellow-Councillors the title of the Infanta to be the best after her Majesty's death — and in a manner before." For any bearing which this had upon the case under trial, it might very well have been answered — What if he did? But Cecil could hardly be expected to rest quietly under an imputation which, however impertinent to the case, might if allowed to pass uncontradicted be very injurious to himself. "Coming forth from behind the hanging where he had stood, he fell on his knees and humbly besought the Lord High Steward that he might be suffered to break course and clear himself of this slander." Whereupon followed a long and lively interlude, extremely interesting no doubt to the audience, and narrated very well and fully by our reporter, but of which I must content myself with stating the conclusion: which was, that the name of their informant being demanded, and Sir William Knollys being at last after much hesitation and many protests named as the authority, and thereupon at Cecil's earnest request sent for and questioned, it turned out that Cecil had indeed once *mentioned to him*, and offered to show him, a book wherein that title was preferred before any other. And this was all the foundation for that story, on the strength of which the citizens of London had been ex-



horted to take up arms against the Government in defense of the kingdom.

By this time the argument had drifted so far away from the point that it must have been difficult for a listener to remember what it was that the prisoners were charged with, or how much of the charge had been proved. And Coke, who was all this time the sole speaker on behalf of the Crown, was still following each fresh topic that rose before him, without the sign of an intention or the intimation of a wish to return to the main question and reform the broken ranks of his evidence. Luckily he seems to have been now at a loss what point to take next, and the pause gave Bacon an opportunity of rising. It can hardly have been in pursuance of previous arrangements; for though it was customary in those days to distribute the evidence into parts and to assign several parts to several counsel, there had been no appearance as yet of any part being concluded. It is probable that the course of the trial had upset previous arrangements and confused the parts. At any rate so it was, however it came to pass, that when Cecil and Essex had at last finished their expostulation and parted with charitable prayers each that the other might be forgiven, "Then (says our reporter) Mr. Bacon entered into a speech much after this fashion."

"In speaking of this late and horrible rebellion which hath been in the eyes and ears of all men, I shall save myself much labor in opening and enforcing the points thereof, inasmuch as I speak not before a country jury of ignorant men, but before a most honorable assembly of the greatest Peers of the land, whose wisdoms conceive far more than my tongue can utter; yet with your gracious and honorable favors I will presume, if not for information of your Honors, yet for the discharge of my duty, to say thus much. No man can be ignorant that knows matters of former ages, and all history makes it plain, that there was never any traitor heard of that durst

directly attempt the seat of his liege prince, but he always colored his practices with some plausible pretense. For God hath imprinted such a majesty in the face of a prince that no private man dare approach the person of his sovereign with a traitorous intent. And, therefore, they run another side course, *oblique et à latere*; some to reform corruptions of the state and religion; some to reduce the ancient liberties and customs pretended to be lost and worn out; some to remove those persons that being in high places make themselves subject to envy; but all of them aim at the overthrow of the state and destruction of the present rulers. And this likewise is the use of those that work mischief of another quality; as Cain, that first murderer, took up an excuse for his fact, shaming to out-face it with impudency. Thus the Earl made his color the severing some great men and counsellors from her Majesty's favor, and the fear he stood in of his pretended enemies lest they should murder him in his house. Therefore he saith he was compelled to fly into the city for succor and assistance; not much unlike Pisistratus, of whom it was so anciently written how he gashed and wounded himself and in that sort ran crying into Athens that his life was sought and like to have been taken away; thinking to have moved the people to have pitied him and taken his part, by such counterfeited harm and danger; whereas his aim and drift was to take the government of the city into his hands, and alter the form thereof. With like pretenses of dangers and assaults the Earl of Essex entered the city of London and passed through the bowels thereof, blanching rumors that he should have been murdered and that the state was sold; whereas he had no such enemies, no such dangers; persuading themselves that if they could prevail, all would have done well. But now *magna scelera terminantur in harerin*; for you, my Lord, should know that though princes give their subjects cause of discontent, though

they take away the honors they have heaped upon them, though they bring them to a lower estate than they raised them from, yet ought they not to be so forgetful of their allegiance that they should enter into any undutiful act, much less upon rebellion, as you, my Lord, have done. All whatsoever you have or can say in answer hereof are but shadows. And therefore methinks it were best for you to confess, not to justify."

The Earl's attempts to draw the Court away from the point by interposing personal charges and exciting personal altercations had succeeded so well hitherto, that when this speech of Bacon's threatened to bring them back to the real question and prepare them to hear the rest of the evidence, he tried again to effect a diversion in the same way. If the reader remembers my account of the letters drawn up by Bacon a few months before, one as from his brother to the Earl, the other as from the Earl in answer (see above, p. 302), he remembers likewise the occasion and purpose of them; and can judge of the pertinency and propriety of the retort with which the Earl now replied upon him.

"To answer Mr. Bacon's speech at once," said he, "I say thus much; and call forth Mr. Bacon against Mr. Bacon. You are then to know that Mr. Francis Bacon hath written two letters, the one of which hath been artifi-  
ciously framed in my name, after he had framed the other in Mr. Anthony Bacon's name to provoke me. In the latter of these two, he lays down the grounds of my discontentment and the reasons I pretend against mine enemies, pleading as orderly for me as I could do myself. Much such matter it contains as my sister the Lady Rich her letter, upon which she was called before your Honors. If those reasons were then just and true, not counterfeit, how can it be that now my pretenses are false and injurious? For then Mr. Bacon joined with me in mine opinion, and pointed out those to be mine enemies and to

hold me in disgrace with her Majesty, whom he seems now to clear of such mind towards me; and therefore I leave the truth of what I say and he opposeth unto your Lordships' indifferent considerations."

Another report represents him as proclaiming the fact that these letters were written for the purpose of being shown to the Queen. And certainly a stroke better aimed, if the object was to introduce another angry and irrelevant altercation, — worse, if to offer a serious answer to Bacon's argument, — could not well have been devised. But Bacon was not to be so seduced. He merely replied that "those letters, if they were there, would not blush to be seen for anything contained in them; and that he had spent more time in vain in studying how to make the Earl a good servant to the Queen and state, than he had done in anything else;" and then sitting down allowed the business to proceed; which was to produce the rest of the evidence, first as to the preparatory consultations at Drury House, and then as to the proceedings of Sunday. Whether this was now brought in upon Bacon's motion, the report does not enable me to say; but it is represented as immediately following his speech. So there was some prospect at last of seeing the charges in the indictment proved as well as disputed upon; and though the case was not destined to proceed in an orderly manner to the end, a considerable step was certainly made at this point.

I need not recount the particulars of the evidence, but as Bacon had occasion to interpose once more before the trial concluded, I must follow the course of it a little further.

The confessions of Davers, Davis, and Blunt, the three remaining witnesses who could speak to the consultations at Drury House, were now read, and fully confirmed the evidence already given by George. Nor did any material interruption occur, until Essex began in attestation of his

innocence to appeal to his nightly practices of devotion upon which Coke charging him with "hypocrisy in religion" and "countenancing religious men of all sorts," — a charge which even if true formed no part of the case, — gave him another occasion — the best he had yet had — of producing a diversion in his own favor. The imputation was not only irrelevant, but unjust. His religious belief, unlike his loyalty, was simple, earnest, and unaffected; too earnest (in a large and open understanding) to consist with the sectarian prejudices which refused to believe in the sincerity either of Papists on one side or Puritans on the other. In creed, his personal sympathy was probably most with the Puritans; nor had he ever shown the least personal inclination towards Popery. But I doubt whether in all his writings a single sentence can be found implying an illiberal depreciation of any religious party. It was too serious a subject with him to be trifled or trafficked with. And if "in his usual talk he was wont to say that he liked not that any man should be troubled for his religion," it is not necessary now to observe that respect for the rights of conscience in other men does not imply any want of conscience in a man's self. The tone in which he replied to this charge, and solemnly affirmed the sincerity of his faith in the religion which he had all his life professed, contrasted strangely with the weakness and inconsistency of his answers upon the questions really at issue, and made a corresponding impression on the Court; insomuch that when Coke offered to reply and make good his accusation, they refused to hear him. And thereupon the case was once more resumed and the evidence allowed to go on.

The depositions which were now read concerning the proceedings in the city on Sunday brought the case home to the Earl of Southampton, whom the evidence had hitherto touched only incidentally and indirectly; and brought out his answer to the charges in general; the

substance of which was, that the object of the consultations at Drury House was merely to procure for Essex the means of speaking to the Queen; that the action which had been suggested with that view, whether treasonable or not, had never taken place, had not even been resolved upon; while the action which *had* taken place was, so far as he understood and was concerned in it, no treason, but an act of self-defense in a private quarrel. He declared that he never heard either the message of the Lord Keeper or the proclamation of the herald; and in spite of several interruptions from Coke, who tried to fasten upon him the responsibility for what had passed in Essex House, succeeded in telling a story plausible enough to make the Peers hesitate and require the opinion of the Judges upon the point in law. His case was no doubt very different from that of his fellow-prisoners; for he might possibly have believed Essex's story about his personal danger, though it was not possible to suppose that Essex believed it himself. The point on which they desired to be satisfied was this: "Whether the rising to go to Court with such a company only to present my Lord of Essex his complaints, without all manner of purpose of violence to the person of her Majesty or any other, — whether this were treason?" The Judges gave opinion that it was. And there the case might have been allowed to rest. For it is quite conceivable that the conspirators did in fact expect all difficulties to vanish before them, and did not *intend* to hurt anybody, otherwise than in the legal construction, which supposes to be intended whatever a reasonable man might expect to follow. Coke, however, was not satisfied to stop there. They must in their consultations have counted on resistance, must have foreseen that in case of resistance there would be violence, must therefore have *intended* violence. "The Earl of Essex replied that the act was to be judged by the intent in conscience.



‘Nay,’ said Mr. Attorney, ‘our law judgeth the overt act.’ ‘Well,’ said the Earl, ‘plead you law and we will plead conscience.’”

To conduct an argument clearly in dialogue, which appears to have been Coke's favorite form, is never easy unless the same person manages both parts; least of all before a popular audience; which in this case it was important to satisfy, as well as the law and the lawyers. Hence it was again becoming necessary to remind the Court how the case really stood, what was the real accusation and what the defense; for more than half the charges and replies which they had been listening to all the day lay quite outside the case; and to perform this office Bacon, with or without the permission of his leader, now rose once more, and spoke to this effect:—

“I have never yet seen in any case such favor shown to any prisoner; so many digressions, such delivering of evidence by fractions, and so silly a defense of such great and notorious treasons. May it please your Grace, you have seen how weakly he hath shadowed his purpose and how slenderly he hath answered the objections against him. But, my Lord, I doubt the variety of matters and the many digressions may minister occasion of forgetfulness, and may have severed the judgments of the Lords; and therefore I hold it necessary briefly to recite the Judges' opinions.”

That being done, he proceeded to this effect:—

“Now put the case that the Earl of Essex's intent were, as he would have it believed, to go only as a suppliant to her Majesty. Shall their petitions be presented by armed petitioners? This must needs bring loss of liberty to the prince. Neither is it any point of law, as my Lord of Southampton would have it believed, that condemns them of treason.<sup>1</sup> To take secret counsel, to exe-

<sup>1</sup> The MS. has, *that nothing condemns them of the treason*. Another report adds “but it is apparent in common sense.” rightly, I should think



cute it, to run together in numbers armed with weapons, what can be the excuse? Warned by the Lord Keeper, by a herald, and yet persist! Will any simple man take this to be less than treason?"

The Earl of Essex answered that if he had purposed anything against others than those his private enemies, he would not have stirred with so slender a company. Wherrunto Mr. Bacon answered:—

"It was not the company you carried with you, but the assistance which you hoped for in the City which you trusted unto. The Duke of Guise thrust himself into the streets of Paris on the day of the Barricados in his doublet and hose, attended only with eight gentlemen, and found that help in the city which (thanks be to God) you failed of here. And what followed? The King was forced to put himself into a pilgrim's weeds and in that disguise to steal away to scape their fury. Even such was my Lord's confidence too, and his pretense the same, an all-hail and a kiss to the City. But the end was treason, as hath been sufficiently proved. But when he had once delivered and engaged himself so far into that which the shallowness of his conceit could not accomplish as he expected, the Queen for her defense taking arms against him, he was glad to yield himself; and thinking to color his practices turned his pretexts, and alleged the occasion thereof to proceed from a private quarrel."

"To this" (adds the reporter) "the Earl answered little." Nor was anything said afterwards by either of the prisoners, either in the thrust-and-parry dialogue with Coke that followed, or when they spoke at large to the question why judgment should not be pronounced, which at all altered the complexion of the case. They were both found guilty, and sentence was passed in the usual form.

It would be rash, perhaps, to criticise the management

of a trial like this upon the evidence of casual and unauthorized reports. There was in those days no regular system of reporting; and though many detailed narratives of the proceedings were written and circulated, it is evident upon comparison that the best of them are far from perfect. Each writer had his own points of interest, his own periods of attention and inattention, of physical activity and exhaustion. Imperfect notes were probably completed afterwards from imperfect recollection; and the omission or misunderstanding of a few words at a critical juncture may give a false aspect to all that follows. From any and from all of them, however, one fact may be surely inferred, that the case was very badly managed: most of the time having been occupied in the discussion of points immaterial or irrelevant, raised one after another in the most desultory and disorderly manner, and followed on both sides in apparent forgetfulness of the question really at issue. In part, no doubt, this was owing to the injudicious indulgence of the Court in allowing the prisoners not only to say what they liked, but to interrupt the evidence whenever and to enter into personal altercations with whom they liked: an irregularity for which Coke was not responsible. But the error was much aggravated by an infirmity of his own. Interruptions by the prisoners would have been comparatively harmless, if the Counsel could have been content merely to wait till they had done speaking, and then to go on with their own story. But Coke could not resist the temptation of replying and disputing; and not being careful to confine his charges within the limits of his proofs, he allowed himself not only to be led away from the point which it was his business to prove and which he could prove, but to be drawn into discussions in which he did not seem always to have the best of it. The result of all which was that the true aspect of the case — a case of treason as clearly proved, as completely without

excuse, and as dangerous, as ever went into a court of justice — was so weakly and confusedly presented to people's minds, that according to Camden "some called it a fear, others an error; they which censured it more hardly termed it an obstinate impatience and desire of revenge, and such as censured it most heavily called it an inconsiderate rashness; and to this day few there are who have thought it a capital crime."

The fact probably is, that those who thought so held their tongues; for why should any man have cared to make himself odious for the sake of correcting the popular judgment of a crime which had paid its penalty? To men of understanding, however, who were present, the case, with all its disadvantages in the setting forth, could wear but one aspect: and it may be worth while to add a summary account of the trial by a very intelligent and quite disengaged and dispassionate spectator, written a few days after.

"The 19th hercof," writes John Chamberlain to Dudley Carleton, on the 24th of February, 1600-1, "the Earls of Essex and Southampton were arraigned at Westminster before the Lord Treasurer, Lord High Steward of England for that day, and twenty-five of their peers, whereof were nine Earls and sixteen Barons. The only matters objected were his practice to surprise the Court, his coming in arms into London to raise rebellion, and the defending his house against the Queen's forces. To the two latter he answered that he was drawn for the safety of his life: to the former that it was a matter only in consultation and not resolved upon; and if it had taken effect it was only to prostrate himself at her Majesty's feet and there manifest such matter against his enemies as should make them odious and remove them from about her person, and recall him to her former favor. This was the sum of his answer; but delivered with such bravery and so many words, that a man might easily perceive that as he had ever lived popularly, so his chief care was to leave a good opinion in the people's minds now at parting. But the worst of all was his many and loud protesta-

tions of his faith and loyalty to the Queen and state, which no doubt caught and carried away a great part of the hearers; but I cannot be so easily led to believe protestations (though never so deep) against manifest proof. . . .

"At his coming to the bar his countenance was somewhat unsettled; but after he was once in, I assure you I never saw any go through with such boldness, and show of resolution and contempt of death: but whether this courage were borrowed and put on for the time, or natural, it were hard to judge. But I hear he begins to relent, and among other faults to be sorry for his arrogant (or rather as Mr. Secretary well termed it to his face), his impudent behavior at his arraignment; and, which is more, to lay open the whole plot and to appeach divers not yet called in question. His execution was expected on Saturday, then yesterday, now to-morrow, or on Thursday. Most of the Council have been with him these three or four days together. The Earl of Southampton spake very well (but methought somewhat too much, as well as the other), and, as a man that would fain live, pleaded hard to acquit himself; but all in vain, for it could not be: whereupon he descended to entreaty and moved great commiseration, and though he were generally well liked, yet methought he was somewhat too low and submissive, and seemed too loath to die before a proud enemy."<sup>1</sup>

<sup>1</sup> S. P. O. The whole series of Chamberlain's letters during the reign of Elizabeth has recently been printed by the Camden Society, carefully and well edited by the late Miss Williams. I wish some one would go on and edit the rest in the same style, for the copies contained in the *Concise and True History of James I.*, "edited by the author of the *Memoirs of Sophia Dorothea*, etc.," are so full of all kinds of blunders, that to use the book is of no use except for collation. I can correct the text in less time than I could make a fresh transcript, but I could not quote anything from it without previous reference either to the originals or to Dr. Birch's copies.

## CHAPTER VI.

A. D. 1601. — FEBRUARY TO APRIL. *ÆTAT.* 40.

THOSE who make light of the crime of which Essex was found guilty make him guilty of one much worse. What Chamberlain had heard was true: he had begun not only to confess for himself but "to appeach divers not yet called in question." The precise import and spirit of his confessions indeed we shall never know: for only fragments of them were divulged at the time, and neither the original record nor any copy of it is now to be found. Enough, however, has transpired to show that he not only admitted his own guilt fully and freely, but disclosed and proclaimed that of his associates; nor of those alone whose confessions had been fatal to himself, but of others likewise who had kept his secrets only too faithfully and would else have passed unsuspected.

Of the occasion of this change two different stories are told. Sir Robert Cecil seems to have taken it for an act of retaliation. "Before he went out of the hall," says he, writing to Winwood on the 7th of March, "when he saw himself condemned, and found that Sir John Davis, Sir Ferdinando Gorges, Sir Christopher Blount, and Sir Charles Davers, had confessed all the conferences that were held at Drury House by his direction for surprising the Queen and the Tower of London, he then broke out to divers gentlemen that attended him in the Hall, that his confederates who had now accused him had been principal inciters of him and not he of them, ever since August last, to work his access to the Queen with force. And when he was brought to the Tower again, he sent

to the Lord Thomas Howard, then Constable of the Tower, to entreat him to move her Majesty to send unto him the Lord Keeper, Lord Treasurer, Lord Admiral, and me the Secretary by name, that he might now discharge his conscience," etc. : a story which is partly confirmed by the reporter of the trial, who represents him as saying, towards the close of the proceedings, "that before his death he would make something known that should be acceptable to her Majesty in point of state." On the other hand, in a letter addressed to Anthony Bacon, three months after, by some man not known, the change is imputed entirely to the influence of one Ashton, a Puritan preacher who attended the Earl in the Tower by his own particular desire. The story told in this letter, which is very full and circumstantial, professes to be the same which Ashton himself told to "a worthy person" (not named), from whom, through how many mouths we are not informed, it came to the writer. And though an unsigned letter by a practised penman, especially when addressed to a man who was not alive at the time (the letter is dated May 30, 1601, Anthony Bacon died before May 27), is no very good evidence in such a case, yet I see nothing improbable on the face of the narrative as far as it goes. That the Earl did petition to have "his own preacher" to attend him in the Tower, we know upon other authority : it was one of his last requests after receiving sentence. And when it was answered "that it was not so convenient for him at that time to have his own chaplain as another," he replied that "if a man in sickness would not willingly commit his body to an unknown physician, he hoped it would not be thought but a reasonable request for him at that time to have a preacher which had been acquainted with his conscience, to whom he might more boldly open his heart." Now a preacher who had stood in that relation to him was well qualified to judge of the sincerity of his

professions, and, if he found him (as the letter states he did) "exceeding cheerful and prepared with great contentation for his end," might very well think that that was not a fit frame of mind for the occasion. Upon which the rest of the story follows naturally enough: namely, that having frankly declared that he did not believe his tale, he succeeded at last, after long, severe, and solemn expostulation, in convincing him that it was his duty to make a full confession: which he accordingly agreed to do: and thereupon admitted that his real end was to get the succession settled by Act of Parliament upon the King of Scotland; "and named to him sundry worthy persons both of religion, honor, and state that had given their consents and were engaged with him therein." This, according to the writer, was all: and to this effect, at Ashton's instance, who threatened otherwise to reveal it himself, he made a formal confession.

Now that this was the way in which the Earl was induced to begin his confessions does not strike me as improbable. The story agrees to a certain extent with a declaration (from which indeed with the help of a little invention it might have been constructed) made by Cecil at one of the subsequent trials; <sup>1</sup> nor is it impossible that the disclosure which the Earl first made went no further than the writer of the letter says. But though his intrigue with Scotland formed no doubt a principal item in his revelations, — and a very formidable one, seeing that if he told the worst he must have involved no less a person than Lord Montjoy in a charge of very high treason, — it is certain that they did not stop there. What passed between Essex and Ashton the writer may have had means of knowing: but for what he said to the Lords of the Council when they attended him, we must seek our information from one of themselves.

"The next day after," proceeds Cecil in his letter to Wob-

<sup>1</sup> *State Trials*, i., 1642, ed. 1816.



wood, "being Saturday, when it pleased her Majesty to send us four unto him, he did with very great penitency confess how sorry he was for his obstinate denials at the bar; desiring he might have liberty to set down in writing his whole project of coming to the Court in that sort: which he hath done in four sheets of paper, all under his own hand; and even concurring with Sir Charles Davers, Sir John Davis, Sir Ferdinando Gorges, and Mr. Littleton's confessions. And acknowledged that he sent divers articles to Drury House to be considered of: as namely, whether it were not good at the same time of coming to the Court to possess the Tower, for to give reputation to the action, if the City should mislike it. Moreover that Sir Christopher Blount with a company of armed men should take the Court Gate; Sir John Davis should master the Hall, and go up into the Great Chamber, where there should be some persons who unsuspected one after another should aforehand be gotten into that room, and have seized upon the halberds of the guard, which commonly stand piled up against the wall; and Sir Charles Davers should have been in the Presence, where some other gentlemen should likewise have made good that place. Whereby my Lord of Essex with the Earls of Southampton, Rutland, and other noblemen should have gone in to the Queen, and then having her in their possession, to have used the shadow of her authority for the changing of the government; and then to have called a Parliament and have condemned all those whom they scandalized to have misgoverned the state. This is the substance of his confession, which he both verbally delivered to us, and afterwards set down in writing. He further asked forgiveness of the Lord Keeper and those whom he had imprisoned in his house; sorrowing in his heart that they were put in fear of their lives by his followers. Then he did most passionately desire in Christian charity forgiveness at the hands of those persons whom he had particularly called his enemies; protesting that when he had resolved of this rebellious act to come to the Court with force, he saw not what better pretext he could have than a particular quarrel to those whom he had at the bar named his greatest adversaries. And being urged still to say what he knew or could reveal, especially of that injurious imputation to me, he vowed and protested that

in his own conscience he did freely acquit me of any such matter, and was ashamed to have spoken it, having no better ground. He protested also to bear no malice to the Lord Cobham and Sir Walter Raleigh whom he had named his enemies; and by whom he knew no other than that they were true servants to the Queen and the state. After that, he made an humble suit to the Queen, that he might have the favor to die privately in the Tower; which her Majesty granted, and for which he gave her most humble thanks."

Had this been all, no reasonable objection could be taken, either to the confession itself or to the means which had been used to induce it. He was merely telling the truth which he had denied, and relieving the Government from a false charge of injustice which he had himself endeavored to fix upon them. The disclosure of the correspondence with Scotland was more questionable; because it involved the betrayal of others who had entered into it only for his sake, and had themselves betrayed nothing. Still, when he came to see it himself in its true light, it may have seemed a thing which the Queen had a right to be warned of. But when we find him volunteering such confessions as these — that Sir Henry Nevill had been a party to the treason (whose only offense was that he had known of the consultations and not betrayed them): that "no man showed himself more forward in the streets, nor readier to fight and defend the house after their return against the Queen's forces, nor more earnest that they should not have submitted themselves, than the Lord Sandys;" that Sheriff Smith "had been as far engaged in the action as any of them," and, being charged with not performing what he had promised, had excused himself saying that "in that confusion he could not draw his regiment together," and had "advised Essex to keep the streets:" when we find him accusing Henry Cusse and Sir Christopher Blunt of "having been his chief insti-

gators to all those disloyal courses into which he had fallen:" with other things of the kind which, whether true or not, it was no business of his to proclaim.<sup>1</sup>—what shall we say? Those who think that he had even the shadow of an excuse for rebelling cannot but think that in thus turning informer against his associates he sinned past all excuse. His best apology must be that he was the same man still. The same want of ballast which had swayed him so far from his duty on one side now carried him as far over on the other. In his passion of discontented ambition he could think of nothing but how to displace his rivals; in his passion of penitence and dismay he could think of nothing but how to expiate his guilt. The sudden collapse of his inflated confidence, the vision suddenly revealed of his crime in its true character and proportions, with death, judgment, and eternity in the immediate background, brought on a fit of religious terror, and blinded him to all other consid-

<sup>1</sup> The Earl of Nottingham, writing to Lord Montjoy on the 31st of May 1601, gives the following account of Essex's last communication to the Councilors: "And thus he did begin to us. 'I do humbly thank her Majesty that it hath pleased her to send you unto me, and you are both most heartily welcome, and above all things I am most bound unto her Majesty that it hath pleased her to let me have this little man, Mr. Ashton, my minister, with me for my soul, for,' said he, 'this man in a few hours hath made me know my sins unto her Majesty are to my God, and I must confess to you that I am the greatest, the most vilest, and most unthankful traitor that ever has been in the land—and therefore, if it shall please you, I shall discover now the truth thereof. Yesterday, at the bar, like a most sinful wretch, with countenance and words I imagined all falsehood.' Then he began to lay open the practices for the surprising of her Majesty and the Court; who were at the house lent Drury House, the Earl of Southampton's lodging, that there were these appointed by the latter to commit how it should be put in execution, the Earl of Southampton, Sir Charles Druce, Sir J. George, Sir John Davis, Sir Henry Nevill, and Coffer. Sir Christopher Blount he ever kept with him. He spared none of these to let us know how continually they labored him about it. 'And now,' said he, 'I must accuse one whom most I loved and me my sister, whom I continually urge me on with telling me how all my friends and followers thought me a coward, and that I had lost all my valor.' And then thus, 'that she must be looked to for that she had a proud spirit;' and opened me to say something of her pleasure to me. What your Lordship have thought this weakness and this unnaturalness in this man. — Tanner MSS. 76, fo. 22: the original letter.

erations. And so it was to the end. For his behavior on the scaffold is distinguished from that of almost all other performers on that stage by being natural and unaffected. At that hour he had no thought to spare for relations, friends, or spectators; no consciousness of his own position as principal figure in a public spectacle; but bore himself simply like a man who felt that he had committed a great sin and believed that he was passing straight to judgment.

Of the remaining prisoners only five were brought to trial: Blount, Davers, Davis, Merick, and Cusse. They were tried on the 5th of March; the only Counsel employed being Coke, Fleming, and Bacon; and the only part assigned to Bacon being the charge against Davis.

Of his speech on this occasion the only report, and indeed the only notice I have met with, is in the *State Trials*, and runs thus: —

"Against Sir John Davis Mr. Francis Bacon urged the evidence, beginning with discourse upon the former ground of Mr. Attorney's, that every rebellion implied destruction of the Prince, and that in the precedents of Edward II. and Henry IV. the pretense in both was, *na in this*, against certain subjects; the Spencers in one and the Treasurer in the other. And this style of protestation, that no harm was intended to the person of the sovereign, was common in traitors. Manlius, the lieutenant of Catiline, had that very protestation. But the proceeding is such in this as no long discoursing needs to prove it treason: the act itself was treason.

"The principal offenses charged upon Sir John Davis were two; one, that he was a plotter and of the council at Drury House; another, that in the insurrection he had the custody of the Privy Councillors in Essex House, which had a correspondence with the action in the street.

"The plot and insurrection entered into was to give laws to the Queen: the preparation was to have a choice

band of men for action ; men not met together by constellation ; but assembled upon summons and letters sent. For, said Mr. Bacon, I will not charge Sir John Davis, although he be a man skillful in strange arts, that he sent spirits abroad ; but letters were sent about this matter. The things to be acted were the matters consulted of, and then to design fit persons for every action : and for mutual encouragement there was a list of names drawn by the Earl ; and these counsellors out of them were to elect fit persons to every office. The second plot was in taking of the Court,<sup>1</sup> and in this consultation he was *penna philosophi-scribentis* ; you were clerk of that council-table and wrote all : and in the detaining of the Privy Councillors you were the man only trusted. And, as the Earl of Rutland said, you held it a stratagem of war to detain pledges, and was (*sic*) meant to have carried the Lord Keeper with the Great Seal into London, and to have had with you the Lord Chief Justice, a man for his integrity honored and well beloved of the citizens. And this Achitophel plot you thought to have followed."

This is all that is reported, and may perhaps have been all that Bacon spoke. For "hereupon," adds the reporter, "Sir John Davis told Mr. Bacon, If with good manners I might, I would long since have interrupted you, and saved you a great part of [your] labor : for my intent is not to deny anything I have said or excuse that I have done, but to confess myself guilty of all, and submit myself wholly to the Queen's mercy. But in that you call me clerk of that council, let me tell you that Sir Charles Davers was writing, but his hand being bad, I was desired to take the pen and write. But by and by the Earl said he would speed it himself ; therefore we being together so long and doing so little, the Earl went to his house and set down all with his own hand, which

<sup>1</sup> *Sic*.

was formerly set forth, touching the taking and possessing of the Court." <sup>1</sup>

The only one of the prisoners who attempted to contest the charge was Cuffe, whose case, though he had been deeply implicated in the conspiracy, was in one respect different from the others, inasmuch as he had taken no part in the Sunday tumult, but remained all day in Essex House; but all five were found guilty and sentenced to death in the usual form.

By this time the Government were satisfied that they had seen the bottom of the conspiracy. Formidable as it had seemed at first, from the number and quality of the persons engaged and the darkness in which it had been conducted, yet being unconnected with any cause of public interest,—having, in fact, no object at all but to further the personal ambition of one man,—now that this one man was gone there was nothing left to conspire for. It was a great danger escaped; but the escape was complete. Public security did not require the sacrifice of more lives; private influence, Cecil's as well as Bacon's, was used on the side of mercy: and with the execution of Essex himself, of Sir Christopher Blount, Sir Charles Davern, Sir Gilly Merick, and Henry Cuffe (who had all been more than followers in the enterprise), the work of the executioner stopped.

But there was still one thing unprovided for. Popular feeling having run so strongly in favor of Essex, and the public exposition of the case having been so confused and weak, it was still necessary to satisfy the *people*—the reading, writing, and talking public—that their favorite had received no wrong. The freedom with which he had informed against his associates had indeed incidentally helped the cause of justice by releasing them on their parts from all obligations of secrecy, so far as he was concerned. Blunt and Davern were thenceforth at liberty

<sup>1</sup> *State Trials*, i., 1428, ed. 1816.



to reveal what they knew: and being brave men who had given up all hope of life and did not mean either to deny what they had done or to justify it, they appear to have spoken out without any reserve. If any man still doubted whether treason had been committed, the additional facts now by them disclosed removed that doubt, and showed besides that the treason was of longer standing, of wider reach, of more dangerous and unscrupulous character, than at the time of the trial it appeared to be. But these disclosures had been made known as yet only by fractions, and mostly through the mouth of Coke, which was not the best medium of communication where the object was to conciliate opponents or to satisfy dissentients. They had not yet been put together so as to be seen in their true relation to each other and to the entire case. For the information and satisfaction of the public, therefore, a clear, readable, and authentic narrative of the whole proceeding from the beginning to the end was still wanted; and the Queen resolved to have one put forth. Who was the fittest man to draw it up, if she had read any account of the trial, she could have little doubt; and on the 16th of March, Coke "delivered to Mr. Solicitor twenty-five papers concerning the Earl of Essex treasons, etc., to be delivered to Mr. Francis Bacon for her Majesty's service."<sup>1</sup>

This service was no doubt the drawing up of the "Declaration of the Practices and Treasons attempted and committed by Robert, late Earl of Essex, and his Complices:" concerning Bacon's share in which we know thus much upon his own authority, — that he was commanded by the Queen to write it: that having received particular and minute instructions as to the manner of treatment, he drew it up accordingly; that his draft, being then submitted "by the Queen's appointment to

<sup>1</sup> Memorandum, written in Coke's hand on the cover of a letter addressed to the Right Worshipful the Attorney-General. S. P. O.



certain principal Councillors," was "perused, weighed, censured, altered, and made almost a new writing, according to their Lordships' better consideration:" after which it was "exactly perused by the Queen herself, and some alterations made again by her appointment," both in the manuscript and in the first-printed copy.

What the particular alterations were, or how far Bacon in his private judgment approved of them, we have no means of knowing, no part of the original draft being in existence. But in an official declaration which was to be put forth in the Queen's name and by her authority, it was fit that the Queen herself with the advice of her Council should both prescribe the form and superintend the execution. Even if Bacon had seriously disapproved of the proposed alterations, their right to make what alterations they thought proper in a document for which not he but they were responsible was too clear and obvious to be questioned. He might advise, warn, expostulate; but it would have been merely ridiculous to insist. Fortunately, however, differences of this serious kind do not appear to have arisen. The effect of the alterations prescribed by the Queen was apparently to impart to the composition a somewhat harder and colder tone than he had given it, or than he liked.<sup>1</sup> But with regard to the more material changes introduced at the instance of the Councillors, he distinctly states that "their Lordships and himself both were as religious and curious of truth as desirous of satisfaction."<sup>2</sup> In matters of substance therefore it must be considered as having his per-

<sup>1</sup> "Nay, and after it was set to print, the Queen, who, as your Lordship knoweth, as she was excellent in great matters so she was exquisite in small, as I found that I could not get my ancient respect to my Lord of Essex in turning him over My Lord of Essex, My Lord of Essex in almost every page of the book, which she thought not fit, but would have it made Essex, or the late Earl of Essex, whereupon of force it was printed *de novo*, and the first copies suppressed by her peremptory commandment." — *Apology*.

<sup>2</sup> *Apology*.

sonal *imprimatur* as well as that of the Government. It was sent to the press on the 14th of April, 1601.

Not having met with any contemporary notice of this publication, I cannot say what impression it made on popular opinion at the time. It had its effect probably in satisfying impartial minds of the then living generation, and in assisting the historian of the reign to relate that passage truly. But when a question of this kind has been practically disposed of and ceased to be a matter of business, then, if the incidents be picturesque, pathetic, or otherwise exciting enough to attract a popular audience, it becomes a matter of fiction. Hence when in the heat of the unpopularity of the Spanish match, some twenty years after, "Essex's Ghost" was brought on the political stage to warn and exhort, he reappeared in all the colors of romance; as the representative hero of the then popular cause; the invincible captain before whose face nothing Spanish could ever stand; the true subduer of the Irish rebellion, of whose work another had merely inherited the fruit and carried away the credit; the patriotic councillor whose patriotism had brought upon him the hatred of wicked men, who by malicious intrigues and false accusations pursued him to death; such a man in short as people delight to believe in. In this character he now took his place in our popular mythology; the true narrative sinking at the same time by necessary consequence into a slanderous libel. Thus the authentic history was superseded in authority by the unauthentic. The fiction which had neither evidence nor sponsor to support it was accepted as a revelation of "truth brought to light by time;" while the careful official declaration, framed with studious accuracy, guarded at every step with attested depositions, resting on the personal credit of men whom everybody knew, containing not a single statement that could be fairly disputed, was denounced as a libel and a fiction. Such was the character it had

acquired when Clarendon (for I cannot think that his judgment was formed upon any serious inquiry of his own, even in his early life) wrote his remarks on Wotton's "Parallel," and such is the character it still bears; one writer repeating it after another, though not one has ever attempted (so far as I know) to point out any clause of any sentence in it which asserts or implies what is not true<sup>1</sup>. Nay, the error instead of wearing out with time seems to be gathering other kindred errors round it: for within these thirty years a specific charge of dishonesty bearing personally upon Bacon has grown out of it; and though this charge breaks down the moment it is looked into, yet it rests upon authority too respectable, and has been received without examination or suspicion by too many subsequent writers, and is indeed when unexamined too specious in itself, to be passed by here without notice.

When the late Mr. Jardine was preparing his account of the trial of the Earls of Essex and Southampton for the "Library of Entertaining Knowledge," he searched or employed somebody to search the State Paper Office. There he found many of the depositions which were read at the trial and published by way of appendix in the "Declaration of Treasons:" found them in their original condition, with Coke's memoranda and directions as to the parts which were to be read, still legible in the margin. In several places, however, he observed in another hand, which appeared to be Bacon's, the letters *om.* written: and looking at the printed Declaration for the passages so marked, he found that they were all omitted. Upon this he concluded that the passages in question, though they had been read and proved in Court, were

<sup>1</sup> Dr. Abbott has since pointed out twelve places in which he asserts that the truth is omitted or suppressed. I have carefully examined them all, and am prepared to affirm that he has not shown a single material or substantive in which the effect of the original depositions is misrepresented in the narrative.

struck out after the trial by Bacon himself, to suit the purposes of the Declaration: and then setting himself to guess what those purposes might be, fell upon this, that they must have been omitted because they tended to soften the evidence against Essex, and to contradict or qualify in some of its material features the story of the transaction which the Government thought fit to circulate: whence it appeared that Bacon had been personally guilty of "garbling the depositions" in order to falsify the history of the case.

A grave charge. To which, however, the answer need not be long, though it falls into four divisions. First, it is by no means certain that the marks in question were made with reference to the Declaration at all. Secondly, it is quite possible that the passages in question had been omitted at the trial. Thirdly, whether the omission were right or wrong, there is no ground for imputing it to Bacon personally. Fourthly, the passages omitted do not in any one particular tend to soften the evidence against Essex as explained in the narrative part, or to modify in any way the history of the case, as far as it concerned him.

That the marks were made with a view to the Declaration I doubt, because, though it be true that none of the passages so marked are inserted in the appendix, it is also true that several which are *not* so marked are nevertheless omitted in the appendix, and that similar marks are found in other papers of which no part is printed there; and because they may be easily accounted for in another way. Several persons, each of whom had borne a different share in the action, and whose several cases required each a separate proof, were to be tried upon evidence contained in these same depositions. Why may not the marks have been made with a view to some of these trials, — the object of the omissions being to clear the evidence in those cases of superfluous matter?

That the passages in question had been read and proved at the trial I also doubt. The fact is assumed by Mr. Jardine only because they had not been marked for omission by Coke. But why may not Coke have meant to produce a piece of evidence which he afterwards found reason to withhold? And why may not Bacon, in a publication professing to give "such confessions as were given in evidence at the arraignments," have struck out those parts which were *not* given in evidence?

That the fact of the marks being in Bacon's handwriting proves that he was personally responsible for them I deny: because the question what should be published and what withheld was for the Council to settle, not for him: and he may have been merely writing down their directions.

With regard to the general charge of untruthfulness, I have said that nobody has yet attempted to specify any particular untruth expressed or implied in the government Declaration. And it is singular that Mr. Jardine himself does not form an exception: for though he does specify, as contradicted by one of the omitted passages, a particular statement which he *assumes* to be contained in the Declaration, it is certain that there is no such statement there; but that on the contrary the precise import of that passage, as Mr. Jardine himself infers it, is represented in the body of the narrative with delicate exactness. In the absence of such specification, I can only oppose to the general charge a general expression of my own conviction; which is, that the narrative put forth by the Government was meant to be, and was by its authors believed to be, a narrative strictly and scrupulously veracious. It is true that it was written under the excitement and agitation of that last and most portentous disclosure, which, in proving that Essex had been capable of designs far worse than anybody had suspected him of, suggested a new explanation of all that had been most

suspicious and mysterious in his previous proceedings; and it may be that things which before had been rejected as incredible were now too easily believed. In so dark a thing as treason it is impossible to have positive evidence at every step. Many passages must remain obscure and fairly open to more interpretations than one: and in one or two of those points which are and profess to be "matter of inference or presumption," as distinguished from "matter of plain and direct proofs," there is room probably, without setting aside indisputable facts, for an interpretation of Essex's conduct more favorable than that adopted by the Queen and her Councillors. It does not indeed follow either that such interpretation is the more probable, or even that it was not *known* by them to be inadmissible. Still some mistakes in that direction are not unlikely to have occurred, and it is fit they should be exposed by those who can do it. Only it must be upon such a theory as explains, not ignores, the facts.

In my own account of the matter so far, I have abstained, in deference to so general a prejudice, from using the Declaration as an authority; and have assumed as a fact nothing for which I cannot quote evidence independent of it. But so far as I can see, the only considerable correction which it requires tends to confirm the substantial truth of the rest, and to relieve it from the charge of putting a construction upon Essex's conduct worse than the facts seemed necessarily to involve. I allude to the time at which the Earl is said to have communicated to Blount and Southampton his project of returning to England at the head of his army and so bringing the Government to conditions. It happens, singularly enough, that until the discovery of the Hatfield copy of Sir Christopher Blunt's examination, bearing his own signature, for which we are indebted to Mr. Bruce, none of the reports, either of his confession or of Southampton's, gave the ex-



net date of that communication, either directly or by implication. Bacon, it seems, supposed that it took place *after* the parley with Tyrone, and that the parley itself was a preparative towards it. I was myself rather disposed to connect it with the receipt of the Queen's letter of the 17th of September, and to take it for a sudden plunge out of a hopeless embarrassment.<sup>1</sup> It now appears, if there be no error in the signed examination (and Mr. Bruce assures me, upon a second reference, that the words of the MS. are clear), that the project was not only meditated but announced "*some days before* the Earl's journey into the North:" some days therefore before the end of August: at which time not one of his requisitions had been refused, nor one of his plans of action interfered with. He had been forbidden, it is true, to leave his post without license; but he had received from England all the reinforcements he had asked for; he had obtained authority not a month before to raise an additional force of 2,000 men in Ireland; and he not only still retained all the unusually large powers with which he had been sent out, but was at that very time expected, encouraged, and extremely wished by the Government to make himself as strong as possible for the coming encounter with Tyrone. That he should have meditated such a use of these forces *at such a time* is a fact which certainly tells formidably in favor of the darkest view of the spirit and purposes with which he undertook the service; and the error (if it be an error) as to the date of the communication, I can only account for by supposing that Bacon took his information from a rough memorandum of Blunt's oral confession, set down by Coke, and remaining among the other depositions in the Record Office; and had not seen the copy of his subsequent examination preserved at Hatfield. It is easily conceivable that among so many papers one may have

<sup>1</sup> See above, p. 360.



been mislaid or overlooked, and the existence of another copy which contained all that was most material in (this date excepted) may have prevented the oversight from being detected.

In Bacon's narrative the correction may be introduced without disturbing the rest of the story. My own I have thought better to leave as it was: for in the absence of Blunt's express statement, I should still think that the Queen's letter of the 17th of September was the most probable motive of Essex's resolution; and as all depends upon the accuracy of a single word in a deposition which was never subjected to scrutiny or cross-examination, and does not appear to have been made in the presence of more than one witness, I cannot help suspecting a mistake. A slip of the pen, the tongue, the memory, or the attention might easily convert "some days after" into "some days before," or "a journey into England" into "a journey into the North." Most writers who have corrected many proof-sheets have been surprised afterwards by discovering errors more striking than these, which they must have looked at, yet had failed to see. If the consultation with Blunt and Southampton took place some days *before* the Earl's journey into the *North* (which was in the beginning of September), I think it must have been induced by the Queen's previous letter of July 30, in which she forbade him to leave his post without license.

In a note to Dr. Rawley's "Life of Bacon"<sup>1</sup> I said that I had no fault to find with him for any part of his conduct towards Essex, and that I thought many people would agree with me when they saw the case fairly stated. Closer examination has not at all altered my opinion on either point. And if I have taken no notice of what has been said on the other side, it is because I do not wish to encumber this book with answers to objections.

<sup>1</sup> Works, vol. i., Part I., p. 40.

tions which a competent judgment would not raise ; and I cannot think that any of the objections which have been urged against Bacon's conduct in this matter would naturally suggest themselves to a reasonable person in reading the story as I have told it.

## BOOK III.

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### CHAPTER I.

A. D. 1601. APRIL-DECEMBER. *ÆTAT.* 40.

It is singular that of two men so remarkable in their several ways as Bacon and Coke, whose fortunes, objects, tastes, ideas, and dispositions crossed each other at so many points, and whose business must have brought them so continually into company and so frequently into conflict, the personal relations should be so little known. No anecdotes have been preserved by the news writers of the day which enable us to form a clear idea of their behavior to each other when they met, the style of their conversation, or the temper of their courtesies. Of one or two collisions on matters of official business occurring at a later time we have Bacon's report; and of one or two passages of good-humored repartee. But if it were not for the two letters which come next in order, we should know nothing of the sort of personal feeling which, on one side at least, must have lain very near the surface, and been ready on provocation to break out. From the fact that Bacon on this occasion thought it expedient to set down in writing a memorandum of what passed, while it was fresh, we may infer that the case was exceptional. But if his report be true, it must be taken to imply a great deal as to the terms upon which the two men habitually stood towards each other.

The occasion was a motion made by Bacon in the Exchequer for rescizure of the lands of a relapsed recusant. In what way such a motion was likely to affront the

Queen's Attorney General, who had never shown any tenderness for such offenders, I am not sure that I understand correctly. But I suppose that the recusant in question had been previously discharged from the penalties of recusancy upon submission; and Bacon's argument for the reseizure may have reflected on the management of the case on that occasion in the Queen's behalf. "*Reverser*" (says Cowell) "is a taking again of lands into the King's hands, whereof a general livery or *ouster le main* was formerly missued by any person or persons, and not according to form and order of law." If such had been the case here, it may have been through Coke's fault.

The thing is not elsewhere alluded to, so far as I know; nor was this report made public at the time, or meant to be published afterwards. It was addressed privately to Sir Robert Cecil, and remained among the collections at Hatfield, where Mordin finding it sent a copy to Birch, who printed it in his "Letters, Speeches, Charges," etc., in 1768.

TO MR. SECRETARY CECIL.

IT MAY PLEASE YOUR HONOR, — Because we live in an age where every man's imperfections is but another's fable; and that there fell out an accident in the Exchequer, which I know not how nor how soon may be traduced, though I dare trust rumor in it, except it be malicious or extreme partial; I am bold now to possess your Honor, as one that ever I found careful of my advancement and yet more jealous of my wrongs, with the truth of that which passed; deferring my further request until I may attend your honor; and so I continue

Your Honor's very humble,

And particularly bounden,

FR. BACON.

GRAY'S INN, this 29th<sup>1</sup> of April, 1601.

<sup>1</sup> 24th in Birch's copy. But as Easter Term in 1601 began on the 29th of April, there can be little doubt that it is a mistake.

*A true remembrance of the abuse I received of Mr. Attorney General publicly in the Exchequer the first day of term ; for the truth whereof I refer myself to all that were present.*

I moved to have a reseizure of the lands of Geo. Moore, a relapsed recusant, a fugitive, and a practicing traitor ; and shewed better matter for the Queen against the discharge by plea, which is ever with a *salvo jure*. And this I did in as gentle and reasonable terms as might be.

Mr. Attorney kindled at it, and said, " Mr. Bacon, if you have any tooth against me, pluck it out ; for it will do you more hurt than all the teeth in your head will do you good." I answered coldly in these very words : " Mr. Attorney, I respect you, I fear you not, and the less you speak of your own greatness, the more I will think of it."

He replied, " I think scorn to stand upon terms of greatness towards you, who are less than little ; less than the least ;" and other such strange light terms he gave me, with that insulting which cannot be expressed.

Herewith stirred, yet I said no more but this : " Mr. Attorney, do not depress me so far ; for I have been your better, and may be again, when it please the Queen."

With this he spake, neither I nor himself could tell what, as if he had been born Attorney General ; and in the end bade me not meddle with the Queen's business, but with mine own ; and that I was unsworn, &c. I told him, sworn or unsworn was all one to an honest man ; and that I ever set my service first, and myself second ; and wished to God that he would do the like.

Then he said, it were good to clap a *cap. allegatum* upon my back ! To which I only said he could not ; and that he was at a fault ; for he hunted upon an old scent.

He gave me a number of disgraceful words besides; which I answered with silence, and shewing that I was not moved with them.

The threat of the *capias utlegatum* was probably in reference to the arrest of Bacon for debt in September, 1598.<sup>1</sup> What the "further request" may have been, or what the issue of it, we have no information. But it appears from an undated letter printed by Dr. Rawley in the "*Resuscitatio*" from Bacon's own register, and suiting this occasion very well though usually placed later, that Bacon thought it worth while to address some words of expostulation to Coke himself.

A LETTER OF EXPOSTULATION TO THE ATTORNEY  
GENERAL, SIR EDWARD COKE.

MR. ATTORNEY, — I thought best, once for all, to let you know in plainness what I find of you, and what you shall find of me. You take to yourself a liberty to disgrace and disable my law, my experience, my discretion. What it pleaseth you, I pray, think of me: I am one that knows both mine own wants and other men's; and it may be, perchance, that mine mend, and others stand at a stay. And surely I may not endure in public place to be wronged, without repelling the same to my best advantage to right myself. You are great, and therefore have the more enviers, which would be glad to have you paid at another's cost. Since the time I missed the Solicitor's place (the rather I think by your means) I cannot expect that you and I shall ever serve as Attorney and Solicitor together; but either to serve with another upon your remove, or to step into some other course; so as I am more free than ever I was from any occasion of unworthy conforming myself to you, more than general good manners or your particular good usage shall pro-

<sup>1</sup> See ante, p. 221.

voke. And if you had not been shortsighted in your own fortune (as I think) you might have had more use of me. But that tide is passed. I write not this to show my friends what a brave letter I have written to Mr. Attorney; I have none of those humors. But that I have written is to a good end, that is, to the more decent carriage of my mistress' service, and to our particular better understanding one of another. This letter, if it shall be answered by you in deed, and not in word, I suppose it will not be worse for us both. Else it is but a few lines lost, which for a much smaller matter I would have ventured. So this being but to yourself, I for myself rest.

Bacon had many grave objections, no doubt, to Coke's way of doing his business, and on a fit occasion would have been ready to state them; but there is no reason for thinking that he ever provoked this kind of treatment by speaking of him either publicly or privately with disrespect. Among the greatest admirers of Coke in modern times there is none who has not admitted more to his disadvantage, both morally and intellectually (out of his own particular domain), than Bacon ever alleged or insinuated, and *within* that domain Bacon never questioned his preëminence; although he hoped, in the course of time, to do something in it himself that would raise the question with posterity. In the mean time the tone in which he ordinarily spoke of him as a lawyer may be inferred from a joke preserved in Dr. Rawley's commonplace book; which I insert here, though a little before its true date. In January, 1602-3, the Queen made eleven new sergeants-at-law, the last being one Barker, "for whose preferment (says Chamberlain) the world finds no other reason but that he is Mr. Attorney's brother-in-law."<sup>1</sup> "Nay, if he be Mr. Attorney's brother in law

<sup>1</sup> *Chamberlain's Letters, temp. Eliz.* (Camb. Soc.), p. 177



he may well be a sergeant," said Bacon, who, according to Rawley's story, was standing by.<sup>1</sup>

It was about this time that Bacon lost his brother. "Anthony Bacon," says Chamberlain to Carleton, writing on the 27th of May, 1601, "died not long since, but so far in debt that I think his brother is little the better by him." He had been suffering so long and so severely from gout and stone that his early death requires no other explanation, though the shock of mind which he must have felt from the last proceedings of the Earl of Essex, and the disclosures consequent upon them, would no doubt hasten the natural work of disease.

This is not the place for an inquiry into his life and character, which would indeed involve a review of great part of the foreign policy of England during the last twenty years of the sixteenth century; for he was so entirely a man of business that to understand his life it would be necessary to understand the business first. But being one of the very few persons who have looked into the voluminous collection of his correspondence preserved at Lambeth, having examined much of it carefully and turned over the leaves of all, and come from the perusal with a tolerably clear impression of his personal character, — though that was not the immediate object of my inquiry, — I may as well record it here: the rather because under Dr. Birch's treatment the touches which disclose temper, humor, and character are mostly lost in the process of translation from the first person into the third, and from the living language of passion into the proprieties of historical narrative. But the correspondence in its original shape is fresh and lively, contains letters from

<sup>1</sup> Lambeth MSS. 1034. Rawley writes "Lo Coke" instead of "Mr Attorney;" not knowing the date. But there can be no doubt that this was the time. Rawley's story begins, "When Sergeant Barker was made Sergeant, my Lo. said there were 11 Biteres and one Barker." Chamberlain's note, "or else (as one said) that among so many biters there should be one barker," which sounds like the truer version.

both parties, and ranges over fifteen or sixteen years. It is of the most various and miscellaneous kind: and though the collection (never perhaps complete) has suffered from the hand of time while it lay packed out of the way in bundles, it has evidently suffered nothing from the hand of selection. Everything seems to have been kept that was not lost or mislaid. Letters from his mother, with directions that they should be burned immediately for fear his men should see them; letters from his steward, with details of receipt and payment; letters from intelligencers abroad, full of political secrets; letters from pressing creditors, from wary purchasers, from Popish fugitives and Protestant preachers, from attached patron, great acquaintance, familiar friends, kinsmen, more or less familiar, grateful dependants, lawyers, statesmen, doctors, money-lenders; together with his own rough drafts, written to dictation: all appear to have been preserved and docketed, and are now bound up together, not indeed in perfect order, for the arranger has not attended to the division of the civil year, but in such order that with a little trouble they may be read consecutively. On the authority of this correspondence, in which it would be hard for any salient feature of the character to hide itself, Anthony Bacon may be confidently described as a grave, assiduous, energetic, religious man, with decided opinions, quick feelings, warm attachments, and remarkable power of attaching others; a gentleman of high strain, open handed and generous beyond his means; but sensitive and irritable; a little too apt to suspect, feel, and resent an injury; a little too hasty to speak of it; and occasionally, I dare say, driven by the perplexities of pecuniary embarrassment into unreasonableness and injustice; but generally fair, tolerant, and liberal. To anybody who has gone through this correspondence the story told in the "*Reliquiæ Wottonianæ*," of his extorting from the Earl a present of Essex House

by the "fine carrying" of a dangerous secret, is simply incredible, and only to be accounted for as having grown out of some misreport credulously listened to at the time, as whispered scandal commonly is, — imperfectly recollected through the haze of thirty years, — and pieced into a smooth story by a lively imagination driving a ready pen. That Essex had important secrets with which Anthony Bacon was acquainted, that he had also extensive agencies which required money to nourish them, and that the money was not always ready at hand — this we know. That in some exigency connected with one of these secret agencies a large sum of money had to be borrowed in a hurry; that Essex House was pledged to the lender by way of security; that the money passed (as it naturally would) through Anthony Bacon's hand; that nobody knew what was done with it, but that (some rumor of the transaction getting abroad) it was *supposed* by somebody that he had obtained it for himself — this we can easily believe: and the rest followed naturally. *How* he obtained the money, as no man could know, except himself and the Earl and whatever confidential agent passed between them, every man was the more free to guess. The secret circumstances would easily be supplied, and a story made up, which seemed probable enough to Wotton and others who knew no more of the personal relations of the two men than he appears to have done; and which was accordingly believed at the time, and repeated long after, — probably with variations *ad libitum*, — as the true history of what passed. In this there would be nothing strange. But with our means of information, which are really very much more and better than theirs, it is easier to believe that Wotton was mistaken than that the story he tells was true.

As soon as the depth and extent of the Essex conspiracy had been well ascertained, and the principal leaders executed, the others were allowed to purchase their pardons.

"There is a commission," says Chamberlain, 27 May, 1601, "to certain of the Council to ransom and fine the Lords and gentlemen that were in the action; and have already rated Rutland at £30,000, Bedford at £20,000, Sands at £10,000, Mounteagle at £8,000, and Cromwell at £6,000, Catesby at 4,000 marks," etc.<sup>1</sup> Money thus falling into the Treasury was usually bestowed upon deserving servants or favored suitors in the way of reward; and Bacon on this occasion came in for a share. Out of Catesby's fine, £1,200 was assigned to him by the Queen's order; and on the 6th of August the Attorney General received directions from the Council to prepare an assurance accordingly — a fact of which we owe the discovery to Mr. Jardine.<sup>2</sup> The fine, it seems, was to be paid by instalments; and each instalment was to be divided *pro rata* among the several assignees.

In the following October a new Parliament was called, which became famous for the popular attack upon Monopolies, and also as the last public meeting between Queen Elizabeth and her people.

At the close of the previous Parliament, after the Speaker had handed in the Subsidy Bill, he proceeded in a set speech, drawn up for the purpose by a committee, to thank the Queen in the name of the whole House for her "most gracious care and favor in the repressing of sundry inconveniences and abuses practised by Monopolies and Patents of Privilege." To which the Lord Keeper answered that "Her Majesty hoped that her dutiful and loving subjects would not take away her Prerogative, which was the chiefest flower in her garden and the principal and head-pearl in her crown and diadem, but that they would rather leave that to her disposition. And as her Majesty had proceeded to trial

<sup>1</sup> Chamberlain's Letters, p. 103.

<sup>2</sup> Narrative of the Gunpowder Plot 1605, p. 31. The letter from the Council is printed in Dixon's *Personal History of Lord Bacon*, p. 125.

of them already, so she promised to continue that they should all be examined, to abide the trial and true touchstone of the law."

This was on the 9th of February, 1597-8, and was an answer satisfactory for the time. But even if the Queen was in her own judgment fully alive to the evil and danger of these abuses, and in her own inclination really desirous to be rid of them, she was not likely to pursue the inquiry very zealously just then. Postponement of decisive action as long as the matter would bear postponement, which in her youth she had deliberately practised as a politic art to keep enemies holding off and friends holding on, had grown into a habit which she could hardly overcome when it was most her interest to do so; and at this time she had businesses on hand of more pressing importance. Henry IV. of France was negotiating a separate treaty of peace with Philip, which would increase the danger of England from Spain, and she was sending Sir Robert Cecil over to remonstrate. That treaty being, in spite of her remonstrances, soon after concluded, the great question of peace or war with Spain pressed for a resolution, and divided her council table. In the mean time the condition of Ireland was becoming every day more alarming, and threatened to absorb the most liberal grant ever voted by Parliament as fast as the money came in. With one "whose nature was not to resolve but to delay,"<sup>1</sup> these cares and alarms would be enough to keep the monopoly question in the waiting-room, without supposing any deliberate intention to evade it. Nor was the removal of the abuse quite so simple a matter, perhaps, as it seemed to people unacquainted with the exigencies of the Government and the state of the Exchequer. Elizabeth is charged with a dislike of spending money. Yet she kept no private board: what she did spend she spent all upon public objects:

<sup>1</sup> R. Cecil in a conversation with Lady Bacon.

and in order to meet those objects, even with a regard to economy which is now thought unworthy of a Queen, she was forced to call upon her people for contributions far beyond all precedent. It should never be forgotten that during the first twenty-seven years of her reign a single subsidy had never served for less than four years: during the next ten it had never served for more than two: then came three whole subsidies payable in four years; and now three payable in three; and all likely to be less than enough. This was not a convenient time for giving up an independent source of income; for to depend upon other people for anything which she could not do without — this she did really dislike. Now, by granting monopoly-patents she could reward servants without either spending her own money, or laying herself under obligations to Parliament, or exposing herself to complaints from anybody in particular; whereas to call in those already granted would bring a host of troublesome complainants about her. It is not to be wondered, therefore, that while the struggle in Ireland, beginning as it did with a costly failure and still far from its termination, was drawing upon her resources at the rate of more than £300,000 a year, the inquiry into these patents was allowed to wait until the fast approaching necessity of another Parliamentary grant reminded her of her parting promise.

This necessity began to be felt in October, 1600: and in the beginning of Hilary Term (23 January, 1600-1) she gave orders to Coke and Fleming to "take speedy and special course" for them. But before they were well entered on the business, they were interrupted by the insurrection of the Earl of Essex and the proceedings consequent upon it, which kept them busy till the summer vacation. And before the vacation was over, a crisis occurred which made it advisable to summon Parliament without delay. On the 23d of September, Don Juan



d'Aquila, with 4,000 men, three parts of them being of the best soldiers in Spain, landed on the southern coast of Ireland, occupied Kinsale, and proclaimed the Queen deprived of her crown by the Pope's sentence, her subjects thereby absolved from their allegiance, and himself come "to deliver Ireland from the jaws of the Devil:" a crisis well fitted to stimulate the loyalty of an English Parliament, and dispose them to vote supplies freely without standing too obstinately upon domestic differences which could wait for times of more leisure.

The new Parliament met on the 27th of October, and was opened by the Queen in person with the usual formalities, and a speech from the Lord Keeper. To the Lower House (the members of which during the Lord Keeper's speech had been by some mismanagement shut out), the causes of their meeting — which were in fact nothing more than to provide means of defense against the present and threatened dangers — were set forth at large by Sir R. Cecil, on the 3d of November: whereupon, immediately and without any debate, a committee was appointed to meet on the 7th, to consider the case.

The four intervening days were occupied with bills brought in or motions made by private members: among which there are two which still retain, in consideration of the mover, some little interest for us.

It seems that the House was not disposed to pay much attention to the business thus brought before it. Several bills were read and rejected, some read and ordered to be engrossed; but none discussed: as if the money bill had been their only serious business. Now in Bacon's opinion it was important to the health of the relation between Crown and Parliament, that Parliament should never seem to be called for money only, but always for some other business of estate besides. And the case being now much the same as in 1593,<sup>1</sup> he endeavored in the same

<sup>1</sup> See *ante*, p. 75.



way, by interposing a discussion on some topic of popular and legislative character, to cover the nakedness of the appeal for pecuniary help. The supply committee was to meet on Saturday, the 7th, and on Thursday, as we learn from Townshend, to whose notes we are indebted for almost all we know of the debates during Elizabeth's four last Parliaments, "Mr. Bacon stood up to prefer a new bill."

The next day (November 6), — apparently with the same object of awakening the House to a due sense of its proper business, and asserting its position as a legislative assembly, — he made a motion like that which he had seconded at the beginning of the last Parliament, a motion for a committee to repeal superfluous laws.

I do not find that these motions had any "better success or entertainment" than the others. The last raised no discussion at the time, and merged ultimately, as the similar motion in 1597 had done, in an ordinary "continuance act." The Weights and Measures Bill was read a second time the next day, and upon some objections in details summarily thrown out. Upon the question for committing, there were, says Townshend, "some twelve I, I, I, but not one for the engrossing; but all said No. So it was rejected."

The truth is, I fancy, that the House was in as great a hurry to get the necessary supplies voted, as the Queen was to receive them; and that they could not attend with spirit to anything else until they had seen that business safely through. The Spaniards were besieged, it is true, in Kinsale by land, and ships had been sent to cut off their supplies by sea; and "many of our discouragers," says Chamberlain, "gave them for lost, and made it a matter of ease to defeat them by sickness, famine, or the sword;" but they were still there; and Tyrone was approaching from the North with a force almost as large as the besieging army. It may easily be believed, therefore,

that to provide whatever was necessary for their speedy capture or expulsion seemed to the House the one business to which for the present all others must be postponed. It is certain that they acted in the matter as if they thought so. And as soon as Bacon's Weights and Measures Bill was disposed of, this was the next business that came on.

Sir Walter Raleigh led the way, and though the discussion lasted into the dark, it appears to have turned entirely upon matters of detail. To the amount of the grant — an amount quite unprecedented — there are no traces of opposition from any quarter. Opinions differed upon the mode of distribution, and in particular upon the question whether the "three-pound men" should be included. But a grant of four whole subsidies, with eight fifteens and tens, — the first to be paid all at once next February, the others each in divided payments at half-yearly intervals, the whole therefore payable within three years and a half, — was agreed on in Committee that same Saturday afternoon; and on Monday in the House, after some further discussion of details, "the Speaker appointed the Committees for drawing of the Subsidy Bill, — all to hasten it; and so the House arose."

All this time, not a murmur of discontent is to be traced in the journals; not an allusion to monopolies; not a mention of conditions or reciprocal concessions; but all was going so rapidly and smoothly that one of the members thought it necessary to remind the House that they had as yet done nothing else, and to express a hope "that her Majesty would not dissolve the Parliament till some acts were passed." On the part of the Government what little it was necessary to say was said by Sir R. Cecil: and the only observation of Bacon's which is reported is in favor of the non-exemption of "the three-pound men:" upon which, concurring with the majority of the Committee, he concluded "it was

*dulcis tractus pari iugo*: and therefore the poor as well as the rich not to be exempted."

What makes the unanimity of the House in this matter the more remarkable is, that their hearts were all the while full of serious discontent with the Government, on account of the still growing grievance of monopolies; that they had come up from all parts of the country charged with complaint and remonstrance; and that the feeling, when it found utterance at last, was general enough and strong enough to silence all expressions of dissent, if any dissent existed. It is curious also to observe, in an assembly so miscellaneous and not very orderly in its debates, how slow this feeling was in finding a tongue. After the subsidy question had been settled on the 9th of November, there was no more lack of debating. Questions of various kinds—including a point of privilege which brought them into collision with the Lord Keeper, and a Bill against Pluralities of Benefices which touched the Prerogative—were largely and noisily discussed. But it was not till the 18th that a word seems to have been uttered about Monopoly-Patents; nor does any action on that subject appear to have been expected by the public outside. "The Parliament," says Chamberlain, writing on the 14th, "huddles in high matters: only they have had a cast at Osborne's office, to correct and amend it at least; but there is no great hope of success. The Alpha and Omega is concluded already. I mean the grant of four subsidies and eight fifteens."<sup>1</sup>

Now "Osborne's office" was not one of the monopoly-patents, but the office of Treasurer's Remembrancer in the Exchequer, in which it seems that abuses had been found. A bill on the subject had been brought in, and was then under reference to a Committee, whose report was brought up by Bacon on the 18th, after which the bill was read a first time.

<sup>1</sup> *Constitutional History*, p. 122.

So far, everything had been going as sweetly as possible for the Queen. But shortly after Bacon had delivered his bill to the sergeant, symptoms of the smothered fire, the significance of which appears to have been well understood at headquarters, found their way to the surface.

As the course of proceeding is not very clearly explained, I give the passage in the very words of Townshend, who was no doubt an eye and ear witness of what took place.

"Mr. Dyott, of the Inner Temple, said: Mr. Speaker, there be many commodities within this realm, which, being public for the benefit of every particular subject, are monopolized by Patent from her Majesty, only for the good and private gain of one man. To remedy the abuses of those kind of Patents, which are granted for a good intent by her Majesty, I am, Mr. Speaker, to offer to the consideration of yourself and this House an Act against Patents purporting particular power to be given to sundry Patentees, etc. It hath a very long title.

"Mr. Laurence Hyde, of the Middle Temple, said: I would, Mr. Speaker, only move you to have an Act read, containing but twelve lines. It is an exposition of the Common Law touching these kind of Patents, commonly called monopolies."

The move seems to have been unexpected. For, if Townshend's note may be trusted, it was received at the time in silence; the House proceeding at once to the discussion of another bill, on a different subject,—a bill about which there was "much dispute." From what happened after, it may be suspected that this was contrived with the Speaker's concurrence by Cecil, in order to evade or postpone the dangerous question. But though it had lain quiet so long, it could not when once raised be laid again. And (strangely enough) the member who brought it up afresh was a man officially connected with the Government. The other bill having been, "after much dispute," committed, and the House being engaged

in naming the Committees, "Mr. Downalde,"<sup>1</sup> we are told, "the Lord Keeper's secretary, stood up, and desired that the Bill which Mr. Hide called for touching Patents might be read." The Speaker desired him to wait till the Committees were named: after that, he said he might speak. But I suppose Cecil saw in the face of the House that the question would have to be met, and felt that he must contrive to get his instructions before it came on. And therefore, while they were proceeding with the naming of the Committees, he "spake something in Mr. Speaker's ear:" who, as soon as the time and place of commitment were named, immediately rose "without further hearing Mr. Downalde:" and so the House adjourned. Whether Cecil's whisper had anything to do with it, I do not know; but some irregularity there clearly was. And that may be the reason why D'Ewes (not understanding perhaps how it could have happened according to the usages of the House) omits this whole passage, as related in that private journal in which he otherwise makes such large use, and gives merely the entries from the "original journal-book of the House," — which contain no hint of it. Nevertheless, when we read further that Mr. Downalde took the Speaker's conduct "in great disgrace, and told him he would complain of him the next sitting; to which the Speaker answered not one word, but looked earnestly at him, and so the press of people parted them," we need not doubt that the note was taken from the life.

Neither need we doubt that Elizabeth knew that same evening what had passed, and made up her mind for what was coming. For Elizabeth, though she often seemed to venture into dangerous positions and to run great risks, knew how to measure her own forces, and always kept some course in reserve upon which she might fall back in an emergency. If her ministers could not

<sup>1</sup> George Downhall, I presume, member for Launceston.

the ground for her, it was best. If not, she could still come herself.

On this occasion she had a day's respite. Thursday, the 12th, was occupied with matters in which the House always took an eager interest, and spoke with many tongues. A burgess elect, being stopped on his way up to London, had "sent up his solicitor to follow his causes in law," etc. The solicitor had been arrested at the suit of a tailor, and carried prisoner to Newgate: where "after a discharge gotten because he said he served a Parliament-man, he was no sooner discharged, but straight he was again arrested and carried to the Compter, and there lay all night, until he sent to the Sergeant-at-arms, who fetched him out and kept him in his custody." The question was whether this were a breach of privilege; inasmuch as the master had not taken the oaths: and it was not till after much examination, re-examination, discussion, and consultation, that the solicitor was ordered to be discharged, and the tailor and his officers to pay all fees, and undergo three days' imprisonment. Immediately upon this came a report of proceedings in another privilege question of higher interest,—the question pending between the House and the Lord Keeper. Mr. Secretary Herbert had delivered their message to his Lordship, who had replied that upon consideration of "the weightiness of divers businesses now in hand," etc., "he would not now stand to make contention," but "would be most ready and willing to perform the desire of the House."

All this was satisfactory; but it consumed time; and nothing more was said about the monopolies that day. On Friday, however, the 20th, though not till after a long debate on a Bill against willful absence from Church, and the hearing of another complaint from a member whose man had been arrested on his way up to London, the great question at last forced its way into the front.



"The Speaker," says Townshend, "gave the Clerk Bill to read. And the House called for the Checquer Bill: some said *Yea*, and some said *No*, and a great noise there was.

"At last Mr. Laurence Hide said: 'To end this controversy, because the time is very short, I would move the House to have a very short bill read; entitled *An Act for Explanation of the Common Law in certain cases of Letters Patents*.' And all the House cried *I. I. I.*"

The long silence being at length broken, the cry of grievance found no want of tongues, and seems to have been felt from the first to be irresistible: for though some of the members must have been personally interested in the monopolies, not a voice was raised in defense of them. A difference of opinion no doubt there was; but it turned wholly upon the *form* of the proposed proceeding for redress. In the *object* of the measure, namely, to obtain relief from the grievance, all parties were prepared to concur. Nor was the disputed point of form material to that object, though very material in other ways. For the remedy proposed by the Bill was to declare these Patents illegal by the Common Law. Now since they had been granted in virtue of a Prerogative which was at that time confidently assumed, asserted, and exercised, as indisputably belonging to the Crown; which, though not perhaps wholly undisputed, was freely allowed by a large body of respectable opinion; and which had not as yet been disallowed by any authority that could claim to be decisive; it was now no longer the monopolies, but the Prerogative itself, that was in question. It was like one of the cases of privilege with which the House had just been dealing. As the arrest of a debtor, though by a process strictly legal, was a breach of privilege if the debtor was servant to a member, so the taking away of Patents by Act of Parliament was an invasion of Prerogative if they had been granted by a right constitution.



ally belonging to the Crown. And as the House would certainly have denied the right of the tailor to dispute the legality of their privilege, so might the Queen deny the right of the House to dispute the constitutionality of her Prerogative. Nor indeed except by implication was such a right now asserted. The question was not whether the House *might* meddle with the Prerogative, but whether this Bill *did*. And it is a notable fact that as the stoutest champions of the Prerogative disclaimed all wish to uphold monopolies, so the most eager assailants of monopoly disclaimed all intention of questioning the Prerogative.

Cecil said nothing. He had been excused the day before from going up with a Bill to the Lords, "because he was troubled with a cold;" and perhaps he had not recovered his voice. But after a speech from the member for Warwick, which was not so much against the legality of the Patents as against the proceedings of the Patenters' deputies; and against those proceedings, rather as transgressing the commission than as taken in virtue of it, Bacon rose to speak against the Bill. And for a note of the tenor of his speech we are again indebted to Townshend.

SPEECH IN THE HOUSE AGAINST A BILL FOR THE  
EXPLANATION OF THE COMMON LAW IN CERTAIN  
CASES OF LETTERS PATENTS.

"The gentleman that last spake coasted so for and against the Bill, that for my own part, not well hearing him, I did not well understand him. The Bill, as it is, is in few words; but yet ponderous and weighty.

"For the prerogative royal of the Prince, for my own part I ever allowed of it: and it is such as I hope I shall never see discussed. The Queen, as she is our Sovereign, hath both an enlarging and restraining liberty of her Prerogative: that is, she hath power by her Patents to

set at liberty things restrained by statute law or otherwise: secondly, by her Prerogative she may restrain things that are at liberty.

"For the first: she may grant *non obstantes* contrary to the penal laws; which truly, in my conscience (and I struck himself on the breast), are as hateful to the subject as monopolies.

"For the second: if any man, out of his own wit, industry, or endeavor, find out anything beneficial to the Commonwealth, or bring any new invention which every subject of this kingdom may use; yet in regard of his pains and travel therein, her Majesty perhaps is pleased to grant him a privilege to use the same only by himself or his deputies for a certain time. This is one kind of monopoly. Sometimes there is a glut of things, when they be in excessive quantity, as perhaps of corn; at perhaps her Majesty gives license of transportation to one man. This is another kind of monopoly. Sometimes there is a scarcity or a small quantity; and the license is granted also.

"These, and divers of this nature, have been in trial both at the Common Pleas upon action of trespass where, if the Judges do find the privilege good and beneficial for the Commonwealth they will then allow it; otherwise disallow it; and also I know that her Majesty herself hath given commandment to her Attorney General to bring divers of them, since the last Parliament to trial in her Exchequer. Since which time at least fifteen or sixteen, of my knowledge, have been repealed some upon her Majesty's own express commandment upon complaint made unto her Majesty by petition; and some by *quo warranto* in the Exchequer.

"But, Mr. Speaker (said he, pointing to the Bill), this is no stranger in this place; but a stranger in this viewment. The use hath been ever by petition to humble ourselves to her Majesty, and by petition desire to have

our grievances redressed; especially when the remedy toucheth her so nigh in point of Prerogative. All cannot be done at once; neither was it possible since the last Parliament to repeal all.

"If her Majesty make a patent, or, as we term it, a monopoly, unto any of her servants, that must go and we cry out of it: but if she grants it to a number of burgesses or a corporation, that must stand; and that forsooth is no monopoly.

"I say, and I say again, that we ought not to deal or judge or meddle with her Majesty's Prerogative. I wish every man therefore to be careful in this point: and humbly pray this House to testify with me that I have discharged my duty in respect of my place in speaking on her Majesty's behalf; and protest I have delivered my conscience in saying that which I have said."

The question, therefore, was reduced simply to this: Should they proceed by Bill or by Petition? In the course of the warm and very free-spoken debate which followed, two or three members expressed a decided opinion for proceeding by Bill, on the ground that the proceeding by Petition had been tried last Parliament and done no good; others expressed a decided opinion against it. But the general feeling of the House seems to have been in favor of committing the Bill, "in order to devise a course:" the question as to the mode of proceeding being therefore left open. So it was agreed that they should go into Committee on it the next afternoon.

One point, however, this first debate had settled. It had revealed the temper of the House and the Country on the subject, and showed the Queen that if her Prerogative was to continue unquestioned she must not allow it to be approached in that temper from that side. As yet she stood personally disengaged; not having committed herself in the matter, except in professing intentions

which she had neglected to carry out. She had no difficulty, therefore, in taking the position which the time required; and made her arrangements at once, I suppose with that view. The Prerogative was not to be meddled with: upon that point she was not going to make any concession. But the Patents themselves might every one, if necessary, go overboard; and that would be enough, if handsomely done.

On Saturday afternoon, November 21, the Committee met according to appointment. Cecil was still silent; and Bacon was again the chief speaker on the side of the Government. The general objection, which he had already urged, and which would have applied to any bill for such a purpose, he repeated; adding a particular objection applicable to this particular bill, which nobody seems to have attempted to answer; and which was in fact, I should think, unanswerable. The note of his speech, which contains all we know about it, does not read like a very good report; but the argument is intelligible enough.

SPEECH IN COMMITTEE AGAINST A BILL FOR EXPLANATION OF THE COMMON LAW IN CERTAIN CASES OF LETTERS PATENTS.

"The Bill is very injurious and ridiculous: injurious in that it taketh or rather sweepeth away her Majesty's Prerogative; and ridiculous, in that there is a proviso that this statute should not extend to grants made to Corporations. That is a gull to sweeten the Bill withal; it is only to make fools vain. All men of the law know that a Bill which is only expository to expound the Common Law doth enact nothing: neither is any proviso good therein. And therefore the proviso in the statute of 34 Hen. VIII. of Wills (which is but a statute expository of the statute of 32 Hen. VIII. of Wills), touching Sir John Gainsford's will, was adjudged void. Therefore

I think the Bill unfit, and our proceedings to be by Petition."

Here again the true question was proposed in its simple terms; but the Committee could not keep within it. An attempt on the part of the Solicitor General to make the Queen's case clearer, by explaining what she had done in the matter since the last Parliament, what she had intended to do, and why she had done no more, roused one of the members for Middlesex to produce a long list of Patents *granted* since the last Parliament; the reading of which provoked the famous question "*whether Bread was not among them.*" and was followed by a state of excitement tending to no definite resolution, — when Townshend himself, "seeing that the Committees could agree upon nothing," came forward with a motion: a motion which received from Bacon an approval so emphatic that the exposition of his policy and proceedings in this matter (which have been much misrepresented) would not be complete without describing it.

The proposition was in effect this: That the Committee should draw up a speech to the Queen, humbly petitioning, not only "for the repeal of all monopolies grievous to the subject," — with a view to which every member of the House was to be invited to put in his complaints in writing, — but likewise for leave to make an Act that they might be of no more force, validity, or effect than they are at the Common Law, without the strength of her Prerogative, — a thing which, though they *might* do it now, yet, in a case so nearly touching her Prerogative, they would not, as loyal and loving subjects, offer to do without her privity and consent, — and that as soon as this address was drawn up the Speaker should be sent at once (not at the end of the session, as on the last occasion) to speak it to her; and at the same time to deliver with his own hand the lists of monopolies complained of.

This motion, which was quite in accordance with Bacon's idea of the proper way of proceeding, was seconded by him in "a long speech," of which, however, all we know is that it "concluded thus in the end : " —

"Why, you have the readiest course that possibly can be devised. I would wish no further order to be taken but to prefer the wise and discreet speech made by the young gentleman, even the youngest in this assembly, that last spake. I'll tell you, that even *ex ore infantium et lactantium* the true and most certain course is propounded unto us."

After which speech of Bacon's the Committee separated without deciding upon anything except that they would meet again on Monday.

It seems, however, that there was an obstruction somewhere. For on Monday the debate fell away from the point again. Nor did Cecil, who came forward at last, succeed in giving it a better direction; unless indeed his object were (as I rather suspect it was) to introduce an element of disagreement for the purpose of postponing the decision. For after giving his opinion at large upon most of the topics which had been discussed, but without drawing towards any conclusion, he ended, very strangely, with recommending "a new commitment, to consider *what her Majesty might grant and what not*; and what course they should take, and upon what points," etc.: a recommendation which, proceeding from him, it is difficult to understand, except as a device to keep the waters troubled; for it seemed to import a discussion of the Prerogative itself; and which was met by a counter-recommendation, coming (to make the matter stranger) from the popular side, — for it was moved by one of the members who in the first debate had spoken most decidedly in favor of proceeding by Bill, and seconded by the member who had spoken most vehemently and powerfully against the monopolies, — much to the effect of



Townshend's proposition of Saturday evening; namely, "that they should be suitors unto her Majesty that the Patentees should have no other remedies than by the laws of the realm they might have, and that their Act might be drawn accordingly." This motion "the House seemed greatly to applaud;" and might, one would think, have passed at once, but that Cecil, for some reason or other, was not disposed to withdraw his own; and the conclusion was that *both* motions should be determined upon by the Committees that afternoon. Yet in the afternoon, unless Townshend's notes are strangely imperfect, neither of them was put to the question; nor indeed was any question put at all. But the old ground was beaten over again: lists of monopolies were handed about privately; and one of these, containing nearly forty titles of Patents granted within the last twenty-eight years, was read out openly by Cecil himself: after which they again separated without concluding upon anything, — to meet in the afternoon of the next day.

These repeated adjournments with no result naturally excited dissatisfaction and suspicion; and on Tuesday morning, "after some loud confusion in the House touching some private murmur concerning monopolies," Cecil had to come forward again; his "zeal to extinguish monopolies making him to speak, to satisfy their opinions that thought there should be no redress of them." He said "he had been a member of the House in six or seven Parliaments, and yet never did he see the House in so great confusion. . . . They had had speeches, and speech upon speech, without either order or discretion. One would have had them proceed by Bill, and see if the Queen would have denied it. Another that the Patents should be brought there before them and cancelled; and this were bravely done. Others would have them proceed by way of petition," etc. "But I wish," he concluded, "every man to rest satisfied until the Commit-



tees have brought in their resolutions, according to your commandments."

And what was it then that hindered the Committees from coming to a resolution—seeing that there was no difference at all among them in their ends, no material difference about the means, and a general inclination in favor of one of the two courses proposed? The answer, I think, must be that the Queen was going to lay the waves herself, and they were not to subside till she appeared. The extraordinary disorder and confusion which had reigned in the Committee ever since Cecil took a prominent part in the proceedings, and which was leading to an embarrassment from which they could not extricate themselves, was a condition (whether natural or artificial) necessary to give full effect to the scene which followed; and which, as Bacon had no part in it except as a deeply interested spectator, I must be content to describe less at large than I should otherwise wish.

Such a petition from the Commons as Bacon recommended would have opened a fair passage out of the difficulty. But the Queen knew of a more excellent way. The draught of the Subsidy Bill had been proceeding without any check: not a murmur had escaped during all this excitement to show that anybody regretted the grant or wished to hold it back: and she bethought herself (being, though not formally apprised, yet known to be aware of what had passed) that it would be no less than gracious, in a case so unusual, to make some acknowledgment. Thus it came to pass that on that very afternoon, when the Committee on Hyde's Bill was to have met again for the fourth time, the Speaker was sent for to convey her hearty thanks to the House for the care they had shown of her state and kingdom in agreeing to so large a subsidy at the very beginning of the session. He was to tell them from her how highly she valued this evidence of their affection; how their love was her dear-

est possession, and to repay it by defending them from all oppressions, her chief and constant care. In token of which he was to inform them further, that having lately understood, partly from her Council and partly by petitions delivered to her as she went abroad, that certain Patents which she had granted had been abused and made oppressive by the substitutes of the Patentees, she had given order to have them reformed: some should be presently revoked, and all suspended until tried and found good according to law; and the abusers should be punished.

Such was the substance of the message which the Speaker, "to his unspeakable comfort," had to deliver to the House the next morning; and in which, coming to us as it does at the second reflexion, — a report of a report, — some image may still be traced of that majesty of demeanor, that "art and impression of words," with which Elizabeth so well knew how to rule the affections of a people. The Speaker having concluded his report with a congratulation upon this happy solution of their difficulties, Cecil — now quite himself again, and in high spirits — explained at length what was to be done: the sum of which was shortly this: It had been found that some of the Patentees had been in the habit of extorting money from ignorant and helpless people by threatening them with proceedings which the Patents themselves did not justify; therefore a proclamation was to go forth immediately, suspending the execution of all these Patents without exception, and referring them to the decision of the common law.

This being all that anybody proposed either to ask for or to do without asking, the House was overcome with delight. One of the most vehement speakers on the popular side,<sup>1</sup> even he who had declared only five days before that "there was no act of the Queen's that had

<sup>1</sup> Francis Moore, member for Reading.

been or was more derogatory to her own Majesty, or more odious to the subject, or more dangerous to the commonwealth, than the granting of these monopolies," was the first to express his entire satisfaction; and immediately moved that the Speaker should be sent to the Queen, not only to thank her for what she had done, but to apologize for what they had said, and "humbly to crave pardon" for "divers speeches that had been made extravagantly in that House." And though the second clause of his motion was rejected, on the ground that "to accuse themselves by excusing a fault with which they were not charged were a thing inconvenient and unfitting the wisdom of that House," the first was carried unanimously. A dozen members were immediately chosen to accompany the Speaker, and the Privy Councillors were requested to obtain leave for them to attend her.

But she knew how to keep her state. Cecil came back the next day with a short answer in these words: "You can give me no more thanks for that which I have promised you than I can and will give you thanks for that which you have already performed." "You shall not need," he added, "(your good will being already known), use any actual thanks: neither will she receive any, till by a more actual consummation she hath completed this work. At that time she will be well pleased to receive your loves with thanks, and to return you her best favors."

This was on Thursday. On Saturday, the promised proclamation being published "and in every man's hand," they were informed that she would receive them on Monday afternoon, — forty, fifty, or one hundred of them. But when they were proceeding to select the hundred, there rose a cry at the lower end of the House of *all, all, all*: which being reported to the Queen, she gave leave for all to come. She received them in state; and having heard the address of thanks, delivered by the

Speaker in a style which reminds one of the Liturgy, replied in a style peculiar to herself. If she had known that it was her last meeting with her people, and studied to appear that day as she would wish to be remembered ever after, she could not have done it better. Gracious, grateful, affectionate, familiar; seated high above the reach of injury or offense, and filled with awful confidence in the authority deputed to her, yet descending to exchange courtesies, accept benefits, acknowledge and excuse errors, —

" She bowed her eminent top to their low ranks,  
Making them proud of her humility; "

and I suppose never appeared so unquestionably and unapproachably sovereign as then when she spoke to them most freely, feelingly, and touchingly, in the tone of a woman and a friend.

So ended an exciting and rather critical ten days' work, to the full satisfaction of everybody; the monopoly question being effectually disposed of for the time, and the Queen seated more firmly than ever in the admiration and affection of her people.

## CHAPTER II.

A. D. 1601-1603. *ÆTAT.* 41-43.

WHEN a man is afflicted with chronic disease of the purse, his worst friend is a too liberal lender. In June, 1594, Anthony Bacon, in thanking his mother for assenting to some arrangement for the satisfaction and assurance of Mr. Nicholas Trott, described him as a friend who "had shown more real confidence and kindness" towards himself and Francis than "all their brothers and uncles put together would have performed, if they had been constrained to have had recourse to them in the like case." But in June, 1594, Francis was in continual expectation of being made Solicitor General, and was beginning to be actually employed in business of the learned counsel. Before the end of 1596 the hope of the Solicitor Generalship was extinct, his other prospects dim, his credit at a discount, and the kind and confident friend turned into the aggrieved and complaining creditor. As it usually happens in such cases, either story taken by itself sounds reasonable: and the evidence is not complete enough to give us the means of judging between them. Abuse of confidence is complained of on both sides; by the creditor, in the shape of promises unperformed; by the debtor, in the shape of usurious interest demanded; and on both sides, I dare say, the complaint was sincere; though in a transaction between friends the presumption is commonly against the borrower, because the lender can always behave like a gentleman if he will, whereas the borrower has not perhaps the means of doing

80. Bacon, not being able to repay what he had borrowed, was forced at last to mortgage Twickenham Park; and it seems that the deed gave Trott a right of entry if the debt were not paid before November, 1601. To avoid this, Bacon — now owner of all that his brother had left, and with some ready money from Catesby's fine to help — resorted to his friends Maynard and Hicke, who endeavored to negotiate a settlement of Trott's claims. The matters in dispute were referred to the Lord Treasurer, and the result appears to have been that Bacon was to pay Trott £1,800, — a sum which, as far as I can make out, must have been equal to the principal with interest at ten per cent., — and that by the 22d of January, 1601-2, Bacon's forty-first birthday, the money was paid and Twickenham Park redeemed.

The prosperous proceeding and gracious parting with her last Parliament was not the only contribution brought by the Christmas of 1601 to the felicities of Queen Elizabeth. On Christmas Eve, an attempt by Tyrone, with the largest rebel army ever brought together in Ireland, acting in combination with two or three thousand newly-landed Spaniards, to relieve the troops in Kinsale, was anticipated and defeated by Montjoy, and the relieving force so completely broken that the Spanish general, finding his enterprise hopeless, — the rather because the ships sent from Spain with fresh provisions of war had been at the same time attacked and destroyed in the harbor of Castlehaven by Sir Richard Leveson, — prepared to capitulate. The news of this decisive victory reached London on 2d of January, 1601-2, and was followed on the 20th by a report of the terms of capitulation; the sum of which was that the Spaniards should surrender all the places they held, and be allowed to go away with all they brought with them, and help to transport it. The blow was fatal to the rebellion. Montjoy, pressing his advantage with judicious assiduity, and planting garrisons as

he proceeded, gradually established himself in military possession of the whole country.

But military possession, though indispensable as a preparation for the work that had to be done, was not the work itself. How to cure the disease out of which this great rebellion — a rebellion of eight years' duration — had sprung was the great problem of estate which now pressed for solution: and much depended upon the right treatment being adopted, and adopted immediately, at this conjuncture. Sir Robert Cecil was now the leading man at the English Council-board; and to him Bacon volunteered a memorial on the subject, which he thought worth preserving in his own collection. It appears to have been composed in the summer vacation of 1602, and treated of the reduction of Ireland "to civility and justice as well as to obedience and peace" (which things, as affairs then stood, he held to be inseparable), under four heads: "1. The extinguishing of the relics of the war. 2. The recovery of the hearts of the people. 3. The removing of the root and occasions of new troubles. 4. Plantations and buildings."

What might have been done in this matter if Elizabeth had lived, it is vain to inquire. She lived only to see the first part of the work accomplished — the rebellion effectually subdued.

As yet indeed she showed no sign of decaying powers, and it was only the number of her days that warned her councillors to prepare for a successor. On the 7th of September, 1602, she completed her sixty-ninth year; yet her administration was never more active, vigorous, and prosperous, nor ever more her own. Reinforcements were dispatched to the army in Ireland in sufficient numbers and with sufficient speed to complete the pursuit and defeat of the scattered rebels. A naval force was fitted out to keep the Spanish navy in employment or in check, and so cut off all hope of further assistance from



that quarter. And besides active negotiations carried on through her ambassador with Henry IV. to secure common action in the immediate exigencies, she was in secret personal correspondence with him about his great design for the settlement of Europe, — an enterprise in which he and his great minister were still reckoning upon her individual coöperation as a condition almost indispensable. The year was a year of plenty. Her health continued good. Every packet brought news of some head of rebellion coming in. And at last Tyrone himself, finding all overtures of *conditional* submission summarily rejected, offered, “without standing upon any terms or conditions, both simply and absolutely to submit himself to her Majesty’s mercy.”

This offer was contained in a letter to Montjoy, dated 22d December, 1602. But though, to save appearances, and to give the overture a chance of being entertained, it was made nominally unconditional, it was not to be expected that Tyrone would really give himself up without some assurance of life and liberty; and the question which Montjoy seems to have referred to the Queen was what assurance he might give. It has been said that her dealing with this question betrayed the infirmity of age; and it is true that she did not go exactly at the pace her councillors desired. In that, however, it cannot be said that she was unlike herself: and to me it seems that she was never more like herself than in the management of the whole matter. For as the time which passed before Montjoy received his answer represents the strength of her reluctance to make any conditions with such an offender, — a reluctance which she would have felt at any time of her life, — so the answer which he received at last represents the victory of good sense and policy over personal inclination, in which such struggles always ended. The exact date at which she received Tyrone’s offer of submission I have not been able to ascertain; but, as it

had to go round by Galway, it would reach her probably about the middle of January. On the 2d of March Montjoy received a packet containing three letters: two from herself, dated respectively the 16th and 17th of February, and one from Cecil, dated the 18th; the effect of which, taken all together, was this. As an inducement to Tyrone to come in, he might in the first instance promise him his life and "such other conditions as should be honorable and reasonable for the Queen to grant him." If that were not enough, he might promise him his liberty likewise — liberty to "come and go safe, though in other things they did not agree." When he came, he might pass him a pardon upon certain specified conditions, of which it is enough to say here that they were similar in all the main points to those which had been required in March, 1597-8: <sup>1</sup> upon these conditions, *if they could be got*. If, however, he could not be brought to accept them all, then, "rather than send him back unpardoned to be a head still of rebellion," Montjoy was to use his discretion, and get such "other reasonable conditions" as he could.

Whatever may have been the anxiety of her councillors, the event proved that the commission was both ample enough and speedy enough for the occasion. For Montjoy, following her own example, showed himself in no hurry, but waited for another petition from Tyrone; who as late as the 20th of March, which was nearly three weeks after the letters from England had arrived, wrote once more to remind him that he was still without answer, and to press urgently for an interview. By the time this petition reached him, however (which was on the 23d), he had heard that the Queen was dangerously ill: and seeing the importance of getting the business concluded before the prospect of a new reign or a disputed succession should beget new hopes, he seized the

<sup>1</sup> For which see p. 221.

occasion at once and changed his pace. On the 24th he commissioned two gentlemen to confer with Tyrone, and sent out at the same time the necessary letters of protection; on the 27th, received news that he had consented to come; the next day, having just heard (privately and not officially) that the Queen was dead, wrote to hasten him — keeping his intelligence in the mean time secret; on the 30th, gave him audience in a style as stately and imperial as Elizabeth herself could have desired; on the 31st, received his written submission upon the conditions prescribed; thereupon promised him in the Queen's name pardon, with restoration of title and (with some exception) of lands, etc.; on the 4th of April, brought him to Dublin; on the 5th, received official news of the Queen's death; and on the 6th caused him to make a new submission in the same form to the new King. So that the last act of Elizabeth's administration was as successful as any, and nothing lost by the delay.

She died on the 24th of March, after an illness of about three weeks; and as her complaint did not take any acute form, or answer to any name more definite than "melancholy," the discourses of the time busied themselves in inventing causes to account for it. Half a dozen possible or probable causes of mental mortification were easily assigned, out of which those who think that the death of a woman in her seventieth year requires any extraordinary explanation may take their choice. But the fact is that she had removed from London to Richmond on the 21st of January in very foul and wet weather, which was suddenly followed by a very severe frost;<sup>1</sup> and if we suppose that she then caught a bad cold, which attacked some vital organ; and that (like most people of strong minds in strong bodies, unused to illness) she was at once impatient of the sensation of weakness, unwilling to have it seen, distrustful of re-

<sup>1</sup> Chamberlain to Carleton, 27th January, 1603-3; p. 174.

edies, intolerant of expostulation, and secretly apprehensive of the worst, we shall need no other explanation of all the incidents of her illness which rest upon good evidence. "No doubt" (says Chamberlain) "but you shall hear her Majesty's sickness and manner of death diversely related: for even here the Papists do tell strange stories, as utterly void of truth as of all civil honesty or humanity. I had good means to understand how the world went, and find her disease to be nothing but a settled and unremovable melancholy, insomuch that she could not be won or persuaded, neither by the counsel, divines, physicians, nor the women about her, once to taste or touch any physic; though ten or twelve physicians that were continually about her did assure her with all manner of asseverations of perfect and easy recovery if she would follow their advice. . . . Here was some whispering that her brain was somewhat distempered, but there was no such matter; only she held an obstinate silence for the most part, and because she had a persuasion that if she once lay down she should never rise, could not be gotten to bed in a whole week till three days before her death; so that after three weeks' languishing, she departed the 24th of this present," etc.

"I dined with Dr. Parry in the Privy Chamber," writes Manningham in his diary, on the 23d of March, "and understood by him, the Bishop of Chichester, the Dean of Canterbury, the Dean of Windsor, etc., that her Majesty hath been by fits troubled with melancholy some three or four months, but for this fortnight extreme oppressed with it; insomuch that she refused to eat anything, to receive any physic, or admit any rest in bed, till within these two or three days. She hath been in a manner speechless for two days. Very pensive and silent since Shrovetide; <sup>1</sup> sitting sometimes with her eye fixed on one object many hours together. Yet she always had

<sup>1</sup> Shrove Tuesday fell on the 5th of March in 1603-3.

her perfect senses and memory, and yesterday signified by the lifting up of her hands to heaven (a sign which Dr. Parry entreated of her) that she believed that faith which she hath caused to be professed, and looked faithfully to be saved by Christ's merits and mercy only, and no other means. She took great delight in hearing prayers, would often at the name of Jesus lift up her hands and eyes to heaven; she would not hear the Archbishop speak of hope of her longer life, but when he prayed or spake of heaven or those joys, she would hug his hand. It seems she might have lived if she would have used means; but she would not be persuaded, and princes must not be forced. Her physicians said she had a body of firm and perfect constitution likely to have lived many years."

The next day he adds that about three o'clock in the morning she "departed this life mildly, like a lamb: easily, like a ripe apple from the tree: *cum leni quadam febre, abaque gemitu.*"

The consciousness or apprehension that she was no longer mistress of her own powers is quite enough to account for the melancholy which oppressed her. It is easy to believe that, whatever her physicians might say, she felt her faculties failing, and did not choose to outlive them.

As a matter of policy, there was perhaps no part of Elizabeth's proceedings more questionable from first to last, in the judgment of her best councillors, than her refusal to let the question of succession be settled, or even discussed. Yet here again, if the event be accepted as judge, it is hard to say that she was wrong. Her own authority endured to the last without diminution, and her successor took her place at once, without contention or disturbance.

"The Proclamation," writes Manningham, on the night of the 24th, "was heard with great expectation

and silent joy : no great shouting ; I think the sorrow for her Majesty's departure was so deep in many hearts that they could not so suddenly show any great joy ; though it could not be less than exceeding great for the succession of so worthy a King. And at night they showed it by bonfires and ringing. No tumult ; no contradiction ; no disorders in the city ; every man went about his business as readily, as peaceably, as securely, as though there had been no change, nor any news ever heard of competitors."

Nor did this outward calm in any respect belie the fact. And yet to statesmen the crisis was not the less an anxious one, for public as well as private reasons. The danger of a competition for the Crown was indeed past ; and the sensation is described by Bacon as like that of waking from a fearful dream.<sup>1</sup> But the very absence of competition implied the existence of expectations or hopes in different parties, whose interests being opposite their hopes could not all be fulfilled. No policy could prevent the growth of discontent, but whether they should grow to be dangerous would depend upon the position which the new King took up among the contending parties and conflicting interests.

With such questions Bacon was familiar, and he could not but feel that he had matter in him which would be of service. His professional ambition had always aspired to employment in the business of the state, and his chances of personal success in life and of recovery from the embarrassments with which he had been so long struggling, and from which he was not yet free, lay all in that direction. On all accounts, therefore, it was a prime object with him to obtain the favorable regard of the new King ; and he lost no time in using such opportunities as he had. The most important person in England was his cousin, Sir Robert Cecil ; and next to him

<sup>1</sup> *Beginning of a History of Great Britain: Works, II., Part 1, p. 400.*



perhaps (at that time) the Earl of Northumberland, who had been engaged for some years, together with Cecil and Lord Henry Howard, in a secret and confidential correspondence with James; and had within the last few days been invited by the Council to assist them; and who, being besides a man of letters and learning, was qualified to appreciate Bacon's value and sympathize with his tastes in that department also. He was acquainted likewise, more or less, with several persons about the Scotch Court, who had been in correspondence with his brother in the service of the Earl of Essex, and were likely on that account to be regarded with favor. To all these, knowing that a man may be forgotten merely for want of a reminder, he now addressed himself, — directly or indirectly, as seemed most becoming or most discreet in each case, — and to one of them he inclosed the following letter, for delivery to the King himself.

AN OFFER OF SERVICE TO HIS MAJESTY K. JAMES  
UPON HIS FIRST COMING IN.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY. — It is observed upon a place in the Canticles by some, *Ego sum flos campi et lilium convallium*, that, *à dispari*, it is not said, *Ego sum flos horti, et lilium montium*; because the majesty of that person is not inclosed for a few, nor appropriate to the great. And yet notwithstanding, this royal virtue of access, which nature and judgment have planted in your Majesty's mind as the portal of all the rest, could not of itself (my imperfections considered) have animated me to make oblation of myself immediately to your Majesty, had it not been joined with an habit of like liberty, which I enjoyed with my late dear Sovereign Mistress: a Princee happy in all things, but most happy in such a successor. And yet further and more nearly, I was not a little encouraged, not only upon a supposal that unto your Majesty's sacred ears (open



to the air of all virtues) there might perhaps have come some small breath of the good memory of my father, so long a principal counsellor in this your kingdom; but also by the particular knowledge of the infinite devotion and incessant endeavors (beyond the strength of his body, and the nature of the times) which appeared in my good brother towards your Majesty's service; and were on your Majesty's part, through your singular benignity, by many most gracious and lively significations and favors accepted and acknowledged, beyond the merit of anything he could effect. All which endeavors and duties for the most part were common to myself with him, though by design (as between brethren) dissembled. And therefore, most high and mighty King, my most dear and dread sovereign lord, since now the corner-stone is laid of the mightiest monarchy in Europe; and that God above, who is noted to have a mighty hand in bridling the floods and fluctuations of the seas and of people's hearts, hath, by the miraculous and universal consent (the more strange because it proceedeth from such diversity of causes) in your coming in, given a sign and token what he intendeth in the continuance; I think there is no subject of your Majesty's, who loveth this island, and is not hollow and unworthy, whose heart is not set on fire, not only to bring you peace-offerings to make you propitious, but to sacrifice himself a burnt-offering to your Majesty's service; amongst which number no man's fire shall be more pure and fervent than mine. But how far forth it shall blaze out, that resteth in your Majesty's employment. For since your fortune in the greatness thereof hath for a time debarr'd your Majesty of the princely virtue which one calleth the principal, — "*Principis est virtus maxima nosse suos*," — because your Majesty hath many of yours which are unknown to you, I must leave all to the trial of further time, and so thirsting after the happiness of kissing your royal hand, continue over, etc.

Having despatched these personal matters, his next care was to consider what help he could give in smoothing the King's path to the hearts of the people. To touch the right vein at first was a matter by no means easy for a stranger, and a rub the wrong way might do much mischief. Addressing himself therefore to the Earl of Northumberland, by whom his recent offer of service seems to have been favorably entertained, he sent him a draft of a Proclamation, such as he thought fit for the time; and which, being an entirely voluntary performance of his own suggestion, may be taken as embodying the advice which he would have given to the King at this conjuncture, if he had been in a position to advise. It is taken from a copy preserved and corrected by himself, and shows, among other things, that if depreciation of Elizabeth was really the fashion at Court during the first few months of James's reign, — a fact which I find it hard to believe, though resting on the respectable evidence of Sully, — it was a mistake for which Bacon, at any rate, was not responsible; and its drift and purpose are sufficiently explained in the letter which accompanied it.

A LETTER TO MY LORD OF NORTHUMBERLAND MENTIONING A PROCLAMATION DRAWN FOR THE KING AT HIS ENTRANCE.

IT MAY PLEASE YOUR LORDSHIP, — I do hold it a thing formal and necessary for the King to forerun his coming (be it never so speedy) with some gracious declaration, for the cherishing, entertaining, and preparing of men's affections. For which purpose I have conceived a draft, it being a thing familiar in my Mistress' times to have my pen used in public writings of satisfaction. The use of this may be in two sorts: first properly, if your Lordship think convenient to show the King any such draft; because the veins and pulses of this state

cannot be but best known here ; which if your Lordship should do, then I would desire you to withdraw my name, and only signify that you gave some heads of direction of such a matter to one of whose style and pen you had some opinion. The other collateral ; that though your Lordship make no other use of it, yet it is a kind of portraiture of that which I think worthy to be advised by your Lordship to the King,<sup>1</sup> and perhaps more compendious and significant than if I had set them down in articles. I would have attended your Lordship but for some little physic I took. To-morrow morning I will wait on you. So I ever, etc.

A PROCLAMATION DRAWN FOR HIS MAJESTY'S FIRST  
COMING IN, PREPARED BUT NOT USED.

Having great cause at this time to be moved with diversity of affections, we do in first place condole with all our loving subjects of England for the loss of their so virtuous and excellent Queen ; being a prince that we always found a dear sister, yea, a mother to ourself, in many her actions and advices ; a prince whom we hold and behold as an excellent pattern and example to imitate in many her royal virtues and parts of government ; and a prince whose days we could have wished to have been prolonged ; we reporting ourselves not only to the testimony of our royal heart, but to the judgment of all the world, whether there ever appeared in us any ambitious or impatient desire to prevent God's appointed time. Neither are we so partial to our own honor, but that we do in great part ascribe this our most peaceable and quiet entrance and coming to these our crowns, next under the blessing of Almighty God and our undoubted right, to the fruit of her Majesty's peaceable and quiet government, accustoming the people to all loyalty and

<sup>1</sup> The copy in the *Remains* adds, "to express himself according to those points which are therein expressed."

abedience. As for that which concerneth ourselves, we would have all our loving subjects know that we do not take so much gladness and contentment in the devolving of these kingdoms unto our royal person, for any addition or increase of glory, power, or riches, as in this that it is so manifest an evidence unto us (especially the manner of it considered) that we stand (though unworthy) in God's favor, who hath put more means into our hands to reward our friends and servants, and to pardon and obliterate injuries, and to comfort and relieve the hearts and estates of our people and loving subjects, and chiefly to advance the holy religion and church of Almighty God, and to deserve well of the Christian commonwealth.

And more especially we cannot but gratulate and rejoice in this one point, that it hath pleased God to make us the instrument and as it were the corner-stone, to unite these two mighty and warlike nations of England and Scotland into one kingdom. For although these two nations are situate upon the continent of one island, and are undivided either by seas or mountains, or by diversity of language; and although our neighbor kingdoms of Spain and France have already had the happiness to be reunited in the several members of those kingdoms formerly disjoined; yet in this island it appeareth not in the records of any true history, no nor scarcely in the conceit of any fabulous narration or tradition, that this whole island of Great Brittain was ever united under one sovereign prince before this day: which as we cannot but take as a singular honor and favor of God unto ourselves; so we may conceive good hope that the kingdoms of Christendom standing distributed and counterpoised as by this last union they now are, it will be a foundation of the universal peace of all Christian princes, and that now the strife that shall remain between them shall be but an emulation who shall govern best and most to the weal and good of his people.

Another great cause of our just rejoicing is the assured hope that we conceive, that whereas our kingdom of Ireland hath been so long time torn and afflicted with the miseries of wars, the making and prosecuting of which wars hath cost such an infinite deal of blood and treasure of our realm of England to be spilt and consumed thereupon; we shall be able through God's favor and assistance to put a speedy and an honorable end to those wars. And it is our princely design and full purpose and resolution not only to reduce that nation from their rebellious and revolt, but also to reclaim them from their barbarous manners to justice and the fear of God; and to populate, plant, and make civil all the provinces in that kingdom which also being an action that not any of our noble progenitors kings of England hath ever had the happiness thoroughly to prosecute and accomplish, we take much to heart, as we are persuaded it is one of the chief causes for the which God hath brought us to the imperial crown of these kingdoms.

Further, we cannot but take great comfort in the state and correspondence which we now stand in of peace and unity with all Christian princes, and otherwise of quietness and obedience of our own people at home; whereby we shall not need to espouse that our kingdom of England to any quarrel or war, but rather have occasion to preserve them in peace and tranquillity, and openness of trade with all foreign nations.

Lastly and principally, we cannot but take unspeakable comfort in the great and wonderful consent and unity, joy and alacrity, wherewith our loving subjects of our kingdom of England have received and acknowledged their natural and lawful king and governor, according to our most clear and undoubted right, in so quiet and settled manner, as if we had been long ago declared an established successor, and had taken all men's oaths and homages, greater and more perfect unity and readiness

could not have been. For considering with ourselves that notwithstanding difference of religion, or any other faction, and notwithstanding our absence so far off, and notwithstanding the sparing and reserved communicating of one another's minds, yet all our loving subjects met in one thought and voice, without any the least disturbance or interruption, yea, hesitation or doubtfulness, or any show thereof; we cannot but acknowledge it is a great work of God, who hath an immediate and extraordinary direction in the disposing of kingdoms and flows of people's hearts.

Wherefore after our most humble and devout thanks to Almighty God, by whom kings reign, who hath established us king and governor of these kingdoms, we return our hearty and affectionate thanks unto the Lords spiritual and temporal, the knights and gentlemen, the cities and towns, and generally unto our Commons, and all estates and degrees of that our kingdom of England, for their so acceptable first-fruits of their obedience and loyalties offered and performed in our absence; much commending the great wisdom, courage, and watchfulness used by the Peers of that our kingdom (according to the nobility of their bloods and lineages, many of them mingled with the blood royal, and therefore in nature affectionate to their rightful king); and likewise of the counsellors of the late Queen, according to their gravity and oath, and the spirit of their good Mistress (now a glorious saint in heaven), in carrying and ordering our affairs with that fidelity, moderation, and consent which in them hath well appeared; and also the great readiness, concord, and cheerfulness in the principal knights and gentlemen of several countries, with the head officers of great cities, corporations, and towns; and do take knowledge by name of the readiness and good zeal of that our chiefest and most famous city, the city of London, the chamber of that our kingdom; assuring them that we will be unto



that city, by all means of confirming and increasing their happy and wealthy estate, not only a just and gracious sovereign lord and king, but a special and bountiful patron and benefactor.

And we on our part, as well in remuneration of all their loyal and loving affections as in discharge of our princely office, do promise and assure them that as all manner of estates have concurred and consented in their duty and zeal towards us, so it shall be our continual care and resolution to preserve and maintain every several estate in a happy and flourishing condition, without confusion or overgrowing of any one to the prejudice, discontentment, or discouragement of the rest; and generally, in all estates we hope God will strengthen and assist us not only to extirpate all gross and notorious abuses and corruptions, of simonies, briberies, extortions, exactions, oppressions, vexations, burdensome payments and overcharges, and the like; but further to extend our princely care to the supply of the very neglects and omissions of anything that may tend to the good of our people; so that every place and service that is fit for the honor or good of the commonwealth shall be filled, and no man's virtue left idle, unemployed, or unrewarded; and every good ordinance and constitution for the amendment of the estate and times be revived and put in execution.

In the mean time, minding by God's leave (all delay set apart) to comfort and secure our loving subjects in our kingdom of England by our personal presence there, we require all our loving subjects joyfully to expect the same; and yet so, as we signify our will and pleasure to be, that all such ceremonies and preparations as shall be made and used to do us honor, or to express gratulation, be rather comely and orderly than sumptuous and glorious; and for the expressing of magnificence, that it be rather employed and bestowed upon the funeral of the



late Queen, to whose memory we are of opinion too much honor cannot be done or performed.

The chief inconvenience which actually resulted from the want of an acknowledged successor to the Crown was, that authority derived from the Queen dying with her, and James being four hundred miles away, there must be an interval of at least a week during which none of the officers of state could be formally authorized to execute his functions. The only disorder, however, which arose from this cause appears to have been confined within the walls of the council-chamber itself, and to have been kept so well within bounds that our only knowledge of it comes from the report of a French ambassador at the time, and a collector of gossip in the next generation. On the authority of the French ambassador, we are told that the right of the Council to act was formally disputed by the Earl of Northumberland, and that the Lord Keeper offered, on behalf of himself and such of the Councillors as were not members of the Upper House, to resign to the Lords their seats at the head of the table.<sup>1</sup> On the authority of Aubrey, we learn that "at a consultation at Whitehall, after Queen Elizabeth's death, how matters were to be ordered and what ought to be done, Sir Walter Raleigh declared his opinion that 'twas the wisest way for them to keep the government in their own hands, and set up a commonwealth, and not be subject to a needy and beggarly nation."<sup>2</sup> The author-

<sup>1</sup> Gardiner, i. 54. An English narrative, apparently official, represents the Lord Keeper as offering, on behalf of himself and the Councillors who were not peers, to take the lower place at the table, but says nothing of any dispute about their authority. — But as they began to sit in the Council or the Privy Chamber at Whitehall, the Lord Keeper, Sir Thomas Egerton and the rest of the Council that were no Barons, offered to sit at the lower end of the Council-table, and not above any of the meanest nobility. And the noblemen, in respect of their former authority, called them to the higher end of the table, and wished them to keep their places' — Add. MSS. 1780, 3, b. 'The ambassador's story would easily grow out of this.

<sup>2</sup> Aubrey, ii. p. 515.

ity is not worth much in either case; but if anything of this kind really occurred, — and it does not appear that any Englishman of the time had heard of it, — Raleigh's proposal could only be meant and taken as a jest, and the Lord Keeper's offer was of course declined. The Council continued not only to act during the interregnum, but to act with vigor; and the King made the interval as short as possible by immediately directing that all persons in office at the Queen's death should so continue till his further pleasure were known; a direction which appears to have included everybody concerned, except Bacon.

Bacon had for some years been employed and described as one of the Learned Council; but it was by the verbal order of the Queen; he had never been sworn in, and had no written warrant. Not being now mentioned by name in the King's letters, and not coming properly under the description of a person "in office at the Queen's death," he was in effect left out. The omission, however, was altogether accidental, and, as soon as the King was informed of it, was supplied at once.

Of Bacon's personal relations with the Earl of Southampton, whose release was one of the first acts of the new reign, we know little or nothing. The intimate connection of both with the Earl of Essex must, no doubt, have brought them together; but no letters had passed between them that I know of, nor has any record been preserved of any other communication. In drawing up the "Declaration of Treasons," Bacon had mentioned his name as slightly as it was possible to do without misrepresenting the case in one of its most material features; and there is some reason to believe that he had used his private influence with the Queen after the trial, as Cecil and Nottingham had certainly done,<sup>1</sup> to mitigate her dis-

<sup>1</sup> "Was it anybody else," wrote the Earl of Northumberland to James, in the secret correspondence, speaking of Cecil, "that saved Southampton?" — *Letters*

pleasure. Yet considering the circumstances under which they had last seen each other, it was too much to expect that Southampton (who did not know what had passed since) was prepared to regard him as a friend; and there were two ways in which Bacon might easily commit an error. Others were visiting him with congratulations upon his approaching liberation. It was natural that he should do the same; for there can be no doubt that he was really glad of it; and if Southampton was disposed to take a true view of the case and to be friends, it would seem churlish and unfriendly to stand aloof. But if, on the contrary, he saw the case with the eyes of his former associates, and regarded Bacon as the ungrateful and ungenerous enemy of his friend and himself, then it would seem indelicate and unfeeling to intrude on him. He thought it best therefore to begin with a letter, excusing his non-attendance and explaining the reasons of it. The letter which he wrote is preserved in his own collection and runs thus:—

A LETTER TO THE EARL OF SOUTHAMPTON, UPON THE  
KING'S COMING IN.

IT MAY PLEASE YOUR LORDSHIP, — I would have been very glad to have presented my humble service to your Lordship by my attendance, if I could have foreseen that it should not have been displeasing unto you. And therefore, because I would commit no error, I choose to write; assuring your Lordship (how credible soever it may seem to you at first, yet it is as true as a thing that God knoweth) that this great change hath wrought in me no other change towards your Lordship than this, that I may safely be now that which I was truly before.

*quondam, etc.*, *Cum. Soc.*, p. 68. "Those that would deal for him," writes Cecil to Sir G. Carew "if which number I protest to that I am one as far as I care, are much disadvantaged of arguments to save him."

"For the Earl of Southampton," writes Nottingham to Maitor, "though he be condemned, yet I hope well for his life; for Mr. Secretary and myself use all our wits and power for it."

And so craving no other pardon than for troubling you with this letter, I do not now begin, but continue to be

Your Lordship's humble and much devoted.

Southampton was released from the Tower on the 10th of April; which determines within a few days the date of the last letter. Of the reception which it met with, I find no account anywhere.

Meanwhile the news which Bacon received from his friends in the Scotch Court appears to have been favorable; sufficiently so, at least, to encourage him to seek a personal interview with the King. I cannot find the exact date, but it will be seen from the next letter that, before the King arrived in London, he had gone to meet him, carrying a despatch from the Earl of Northumberland; and that he had been admitted to his presence. The copy of this letter in the British Museum MS. is in the same hand as the rest of the volume, but is distinguished from the others by having a few corrections and interlineations in another hand, which I believe to be Bacon's own; though I cannot speak with perfect confidence. His handwriting varied very much, — according, I suppose, to pens, attitudes, moods, and times, — and a few words inserted here and there are often difficult to identify. But it is certainly not the hand of the transcriber; the alterations are of a kind which it is not likely that anybody else would have made (no alteration being apparently required by the sense or grammar); and it is likely enough, considering his subsequent relations with James, that he may have looked back some time in his later life with great curiosity and interest to this fresh record of his first impressions of him, and made the corrections either from memory or taste, or from a better copy of the original which may have accidentally turned up. They are not at all material in substance, but are just such changes as he would naturally have made in

writing a fair copy from a first draft. The text represents the letter as corrected; the notes as it stood in the original transcript.

A LETTER TO THE EARL OF NORTHUMBERLAND AFTER  
HE HAD BEEN WITH THE KING.

IT MAY PLEASE YOUR GOOD LORDSHIP, — I would not have lost this journey, and yet I have not that for which I went.<sup>1</sup> For I have had no private conference to any purpose<sup>2</sup> with the King; and<sup>3</sup> no more hath almost any other English. For the speech his Majesty admitteth with some noblemen is rather matter of grace than of<sup>4</sup> business. With the Attorney he spake, being<sup>5</sup> urged by the Treasurer of Scotland, but yet no more<sup>6</sup> than needs must. After I had received his Majesty's first welcome, I<sup>7</sup> was promised private access; but<sup>8</sup> yet, not knowing what matter of service your Lordship's letter might carry<sup>9</sup> (for I saw it not), and well knowing that primeness in advertisement is much, I chose rather to deliver it to Sir Thomas Erskins, than to cool it in my hands, upon expectation of access. Your Lordship shall find a prince the farthest from the appearance of vain-glory<sup>10</sup> that may be, and rather like a prince of the ancient form than of the latter time. His speech is swift and cursory, and in the full dialect of his country; and in point<sup>11</sup> of business, short; in point<sup>12</sup> of discourse, large. He affecteth popularity by gracing such as he hath heard to be popular, and not by any fashions of his own. He is thought somewhat general in his favors, and his virtue of access is rather because he is much abroad and in press, than that he giveth easy audience about serious things.<sup>13</sup> He hasteneth to a mixture of both kingdoms

<sup>1</sup> that I went for

<sup>2</sup> to purpose

<sup>3</sup> and, om.

<sup>4</sup> matter of.

<sup>5</sup> been, om.

<sup>6</sup> but no more

<sup>7</sup> and

<sup>8</sup> but, om.

<sup>9</sup> carried

<sup>10</sup> from vain-glory.

<sup>11</sup> speech

<sup>12</sup> speech.

<sup>13</sup> about serious things, om.

and nations, faster perhaps than policy will conveniently<sup>1</sup> bear. I told your Lordship once before, that (methought) his Majesty rather asked counsel of the time past than of the time to come. But it is early yet to ground any settled opinion. For the particularities I refer to conference, having in these generals gone further in so tender an argument than I would have done, were not both the reader and the bearer assured.<sup>2</sup>

James's arrival in England brought no immediate prospect of improvement in Bacon's fortunes. Nor was it likely that it should. "Every new King," James thought, "ought at least to let a year and a day pass before he made any innovation;" and he naturally left the administration of affairs in the hands in which he found it. He made two or three new councillors; gave the Mastership of the Rolls, which was still vacant, to Edward Bruce, Abbot of Kinloss; removed Sir Walter Raleigh (probably not without what seemed the best advice) from the Captaincy of the Guard, putting in his place Sir Thomas Erskine (his own Captain of the Guard), but giving him at the same time a considerable pecuniary compensation; placed two or three of his Scotch friends immediately about his person; but made no more changes of importance.

Bacon was for the present to "continue to be of the Learned Counsel in such manner as before he was to the Queen." But though this seemed like leaving his position unchanged, the practical effect was to give him a prospect of more leisure. For his place among the Learned Counsel being an irregular one without any ordinary duties belonging to it as of course, his employment depended upon the pleasure of those who had the laying out of the business. In this the Queen herself had been used to take a part, and by her direction he had in this

<sup>1</sup> well.

<sup>2</sup> were not the bearer heretofore assured. So I continue

irregular way been continually employed for many years. It would not be so now. James, to whom the business and the persons were alike new, would naturally leave such arrangements, at least for a while, to Coke, who was not at all likely to want Bacon's help; nor is there any reason to think that Cecil, who kept the lead in council, and soon left the Earl of Northumberland in the shadow, would go much out of his way to put him forward. What he had to do therefore was merely to hold himself in readiness in case he were wanted; to recommend himself to the King by such services or advices as he could offer without impropriety; to make the most of the interval of leisure for the great purpose to which all his leisure had long been dedicated; and before all, if not above all, to clear off all remains of debt and bring his living within his income.

The last-mentioned object was first in importance, and was (not perhaps unfortunately) first forced upon him by an accident of which the general character may be gathered from the next letter, though none of the particulars are otherwise known.

We have seen that he had been occupied since his brother's death in endeavoring to settle some of his principal debts. It seems, however, that he had not proceeded fast enough. For in the summer of 1603 he had to apply to Cecil for help in some scrape; similar, apparently, to that of 1598, when he was arrested on his way from the Tower by Sympson, the goldsmith.<sup>1</sup> Something had been done to him which he conceived to be an invasion of the privilege of his office, and therefore an affront to the King's service; and it had relation to some money transaction. And this is all we know about it. The letter itself, however, which reveals the fact (and which comes from the Hatfield collection, where it was found by Murdin, who sent a copy to Birch) is unusually inter-

<sup>1</sup> *Ibid.*, p. 231



esting, as showing how his private affairs stood at the time, and what he was now doing to set them straight; and also as throwing further light on his relations with Cecil; who, on this occasion at least, was giving something more substantial than words, — preferring possibly a way of obliging him which deserved his gratitude without risking his rivalry.

TO ROBERT, LORD CECIL.

IT MAY PLEASE YOUR GOOD LORDSHIP, — They say late thanks are ever best. But the reason was, I thought to have seen your Lordship ere this. Howsoever, I shall never forget this your last favor amongst others; and it grieveth me not a little, that I find myself of no use to such an honorable and kind friend.

For that matter, I think I shall desire your assistance for the punishment of the contempt; not that I would use the privilege in future time, but because I would not have the dignity of the King's service prejudiced in my instance. But herein I will be ruled by your Lordship.

It is fit likewise, though much against my mind, that I let your Lordship know that I shall not be able to pay the money within the time by your Lordship undertaken, which was a fortnight. Nay, money I find so hard to come by at this time, as I thought to have become an humble suitor to your Honor to have sustained me with your credit for the present from urgent debts, with taking up £500 till I can put away some land. But I am so forward with some sales, as this request I hope I may forbear.

For my estate (because your Honor hath care of it), it is thus: I shall be able with selling the skirts of my living in Hertfordshire to preserve the body; and to leave myself, being clearly out of debt, and having some money in my pocket, £300 *land per annum*, with a fair

house, and the ground well timbered. This is now my labor.

For my purpose or course, I desire to meddle as little as I can in the King's causes, his Majesty now abounding in counsel; and to follow my private thrift and practice, and to marry with some convenient advancement. For as for any ambition, I do assure your Honor mine is quenched. In the Queen's, my excellent Mistress's, time the *quorum* was small; her service was a kind of freehold, and it was a more solemn time. All those points agreed with my nature and judgment. My ambition now I shall only put upon my pen, whereby I shall be able to maintain memory and merit of the times succeeding.

Lastly, for this divulged and almost prostituted title of knighthood, I could without charge, by your Honor's mean, be content to have it, both because of this late disgrace, and because I have three new knights in my mess in Gray's-Inn commons; and because I have found out an alderman's daughter, an handsome maiden, to my liking.<sup>1</sup> So as if your Honor will find the time, I will come to the court from Gorbumbury upon any warning.

How my sales go forward, your Lordship shall in a few days hear. Meanwhile, if you will not be pleased to take further day with this lewd fellow, I hope your Lordship will not suffer him to take any part of the penalty, but principal, interest, and costs.

So I remain your Lordship's most bounden

FR. BACON.

3 July, 1603.

Cecil's answer to this letter has not been preserved. But it may be inferred from Bacon's reply (which comes from the same collection) that it was not only friendly as regarded the particular case, but contained also some

<sup>1</sup> Of Bacon's marriage with the alderman's daughter, see *post*, p. 483.  
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general intimation that his professional services would be wanted.

TO THE SAME.

IT MAY PLEASE YOUR GOOD LORDSHIP, — In answer of your last letter, your money shall be ready before your day; principal, interest, and costs of suit. So the sheriff promised, when I released errors; and a Jew takes no more. The rest cannot be forgotten; for I cannot forget your Lordship's *dum memor ipse mei*; and if there have been *aliquid nimis*, it shall be amended. And, to be plain with your Lordship, that will quicken me now, which slackened me before. Then I thought you might have had more use of me, than now I suppose you are like to have. Not but I think the impediment will be rather in my mind than in the matter or times. But to do you service, I will come out of my religion at any time.

For my knighthood, I wish the manner might be such as might grace me, since the matter will not; I mean, that I might not be merely gregarious in a troop. The coronation is at hand. It may please your Lordship to let me hear from you speedily. So I continue

Your Lordship's ever much bounden

FR. BACON.

From GORHAMURST, this 16th of July, 1603.

Bacon obtained his title, but not in a manner to distinguish him. He was knighted at Whitehall, on the 23d of July, two days before the coronation, but had to share the honor with three hundred others.

After this I find no more letters for a good while; nor indeed (until the meeting of Parliament on the 19th of March, 1603-4) any further news of his proceedings. I imagine, however, that the intervening months were among the busiest and most exciting that he ever passed. For this is the time when I suppose him to have conceived the design of throwing his thoughts on philosophy

and intellectual progress into a popular form, and inviting the coöperation of mankind.

His old idea of finding a better method of studying the laws of Nature, having no doubt undergone in the endeavor to realize it many modifications, had at last taken the shape of a treatise in two parts. The first part was to be called *Experientia Literata*, and was to contain an exposition of the art of experimenting; that is, of proceeding in scientific order from one experiment to another, making the answer to one question suggest the question to be asked next. The second part was to be called *Interpretatio Nature*, and was to explain the method of arriving by degrees at axioms, or general principles in nature; thence by the light of those axioms proceeding to new experiments; and so finally to the discovery of all the secrets of nature's operation, — which would include the command over her forces. This great speculation he had now digested in his head into these two parts, and "proposed hereafter to propound." And being a man whose mind found relief in utterance, though it were only to a piece of paper in his cabinet, he drew up (either at, or about, or at any rate with reference to this time) a short prefatory address; which, had the work itself been then completed according to the design, would, I suppose, have stood as the introduction.

As an exposition of the design it was superseded by completer prefaces of later date, and was therefore not included among the philosophical works selected for translation. But as bearing upon the history of his own career it has a peculiar value; revealing as it does an authentic glimpse of that large portion of his life which, though to him as real as the rest and far more profoundly interesting, scarcely shows itself among these records of his career as a man of business, and is in danger of being forgotten. And I do not know how I can better help my readers to conceive the thing and to give it its due prominence

among his purposes and performances, than by inserting a translation of it in this place. Of the practicability of the enterprise and the reasonableness of the expectation, I say nothing; that question has been discussed in its proper place, and need not concern us here. What we have to understand and remember is the *nature* of the enterprise, and the fact that he *believed* it practicable. He believed that he had by accident stumbled upon a thought which duly followed out would in the course of generations make man the master of all natural forces. The "Interpretation of Nature" was, according to his speculation, the "Kingdom of Man."<sup>1</sup> To plant this thought in men's minds under such conditions that it should have the best chance of growing and bearing its proper fruit in due season was the great aspiration of his life; and though diverted, interrupted, and baffled by a hundred impediments, internal and external, — by infirmities of body and of mind, by his own business and other people's, by clients, creditors, and sheriff's officers, by the impracticability (say the wise) of the problem itself, owing to a fundamental misconception of the case, by an imperfection (as I think) in his own intellectual organization, which placed him at a disadvantage in dealing with many parts of it, — he never doubted that the thing might be done if men would but think so, and that it was his mission to make them think so and point out the way. And though many and many a day must have closed without showing any sensible progress in the work, I suppose not a single day went down in which he did not remember with a sigh, or a resolution, or a prayer, that the work was still undone. On one of these days, his imagination, wandering far into the future, showed him in vision the first installment ready for publication, and set him upon thinking how he should announce it to

<sup>1</sup> *Indicia vera de Interpretatione Naturæ, sive de Regno Hominis. Title of the Nicom Organum.*

the world. The result of this meditation he fortunately confided to a sheet of paper, which, being found long after in his cabinet, revealed the secret which it had kept. The original is written in stately Latin, but for our present purpose the following translation, though in spirit and effect a poor copy, may serve sufficiently well.

#### OF THE INTERPRETATION OF NATURE.

##### *Proem.*

Believing that I was born for the service of mankind, and regarding the care of the commonwealth as a kind of common property which like the air and the water belongs to everybody, I set myself to consider in what way mankind might be best served, and what service I was myself best fitted by nature to perform.

Now among all the benefits that could be conferred upon mankind, I found none so great as the discovery of new arts, endowments, and commodities for the bettering of man's life. For I saw that among the rude people in the primitive times the authors of rude inventions and discoveries were consecrated and numbered among the gods. And it was plain that the good effects wrought by founders of cities, law-givers, fathers of the people, extirpers of tyrants, and heroes of that class, extend but over narrow spaces and last but for short times; whereas the work of the inventor, though a thing of less pomp and show, is felt everywhere and lasts forever. But above all, if a man could succeed, not in striking out some particular invention, however useful, but in kindling a light in nature, — a light which should in its very rising touch and illuminate all the border-regions that confine upon the circle of our present knowledge; and so spreading further and further should presently disclose and bring into sight all that is most hidden and secret in the world, — that man (I thought) would be the benefactor indeed of the human race, the propagator of man's

empire over the universe, the champion of liberty, the conqueror and subduer of necessities.

For myself, I found that I was fitted for nothing so well as for the study of Truth : as having a mind nimble and versatile enough to catch the resemblances of things (which is the chief point), and at the same time steady enough to fix and distinguish their subtler differences ; as being gifted by nature with desire to seek, patience to doubt, fondness to meditate, slowness to assert, readiness to reconsider, carefulness to dispose and set in order ; and as being a man that neither affects what is new nor admires what is old, and that hates every kind of imposture. So I thought my nature had a kind of familiarity and relationship with Truth.

Nevertheless, because my birth and education had seasoned me in business of state ; and because opinions (so young as I was) would sometimes stagger me ; and because I thought that a man's own country has some special claims upon him more than the rest of the world ; and because I hoped that, if I rose to any place of honor in the state, I should have a larger command of industry and ability to help me in my work, — for these reasons I both applied myself to acquire the arts of civil life, and commended my service, so far as in modesty and honesty I might, to the favor of such friends as had any influence. In which also I had another motive : for I felt that those things I have spoken of — be they great or small — reach no further than the condition and culture of this mortal life ; and I was not without hope (the condition of Religion being at that time not very prosperous) that if I came to hold office in the state, I might get something done too for the good of men's souls.

When I found, however, that my zeal was mistaken for ambition, and my life had already reached the turning-point, and my breaking health reminded me how ill I could afford to be so slow, and I reflected moreover that



in leaving undone the good that I could do by myself alone, and applying myself to that which could not be done without the help and consent of others, I was by no means discharging the duty that lay upon me, — I put all those thoughts aside, and (in pursuance of my old determination) betook myself wholly to this work. Nor am I discouraged from it because I see signs in the times of the decline and overthrow of that knowledge and erudition which is now in use. Not that I apprehend any more barbarian invasions (unless possibly the Spanish empire should recover its strength, and having crushed other nations by arms should itself sink under its own weight); but the civil wars which may be expected, I think (judging from certain fashions which have come in of late), to spread through many countries — together with the malignity of sects, and those compendious artifices and devices which have crept into the place of solid erudition — seem to portend for literature and the sciences a tempest not less fatal, and one against which the printing-office will be no effectual security. And no doubt but that fair-weather learning which is nursed by leisure, blossoms under reward and praise, which cannot withstand the shock of opinion, and is liable to be abused by tricks and quackery, will sink under such impediments as these. Far otherwise is it with that knowledge whose dignity is maintained by works of utility and power. For the injuries therefore which should proceed from the times, I am not afraid of them; and for the injuries which proceed from men I am not concerned. For if any one charge me with seeking to be wise overmuch, I answer simply that modesty and civil respect are fit for civil matters; in contemplations nothing is to be respected but Truth. If any one call on me for *works*, and that presently, I tell him frankly, without any imposture at all, that for me, — a man not old, of weak health, my hands full of civil business, entering without guide or

light upon an argument of all others the most obscure, — I hold it enough to have constructed the machine, though I may not succeed in setting it on work. Nay, with the same candor I profess and declare that the interpretation of Nature, rightly conducted, ought in the first steps of the ascent, until a certain stage of generals be reached, to be kept clear of all application to works. And this has in fact been the error of all those who have heretofore ventured themselves at all upon the waves of experience, — that being either too weak of purpose or too eager for display, they have all at the outset sought prematurely for works, as proofs and pledges of their progress, and upon that rock have been wrecked and cast away. If again any one ask me, not indeed for actual works, yet for definite promises and forecasts of the works that are to be, I would have him know that the knowledge which we now possess will not teach a man even what to *wish*. Lastly — though this is a matter of less moment — if any of our politicians, who use to make their calculations and conjectures according to persons and precedents, must needs interpose his judgment in a thing of this nature, I would but remind him how (according to the ancient fable) the lame man keeping the course won the race of the swift man who left it; and that there is no thought to be taken about precedents, for the thing is without precedent.

Now for my plan of publication: those parts of the work which have it for their object to find out and bring into correspondence such minds as are prepared and disposed for the argument, and to purge the floors of men's understandings, I wish to be published to the world and circulate from mouth to mouth; the rest I would have passed from hand to hand, with selection and judgment. Not but I know that it is an old trick of impostors to keep a few of their follies back from the public, which are indeed no better than those they put forward; but in

this case it is no imposture at all, but a sober foresight, which tells me that the formula itself of interpretation, and the discoveries made by the same, will thrive better if committed to the charge of some fit and selected minds, and kept private. This, however, is other people's concern. For myself, my heart is not set upon any of those things which depend upon external accidents. I am not hunting for fame; I have no desire to found a sect, after the fashion of heresiarchs; and to look for any private gain from such an undertaking as this, I count both ridiculous and base. Enough for me the consciousness of well-deserving, and those real and effectual results with which Fortune itself cannot interfere.

Such then was the project with which Bacon was all this time laboring in secret; such, and no less, the issues which he believed to be involved in it. But though his faith in the principle never failed, he knew that it could not be fairly tried without the coöperation of many men and of more than one generation; and when he came to sound men's opinions in the matter, he discovered that he had a preliminary difficulty to encounter in finding any who would listen to him.<sup>1</sup>

Now if he could get the King to take an interest in it, a great part of this difficulty would be removed; and to bring this about, the best chance would be to produce some practical and notable proof of proficiency in matters of which the King was already qualified to judge. For experimental philosophy James had not as yet shown any taste; and having been trained in the ancient learning, he was not likely to be attracted by a proposal to set aside all received doctrines and begin afresh from the beginning; but a general survey and criticism of the exist-

<sup>1</sup> "Et quis vocis habes? Ego certe (nequam) profectus nullus: quia nec quonquam habeo quocum famularior de humanis rebus concipere possum, ut me saltem explicem et exacuam." *Philosophical Works*, vol. iii., p. 359.

ing stock of knowledge was a work which few men then living were better qualified to appreciate, and in which he was almost sure to take a lively interest; and such a survey being the natural and legitimate foundation of any attempt at a large and general reform, it seems to have occurred to Bacon that this was the thing to begin with, and this the very time for it. Here was a King, still in the prime of life, devoted to peace, sympathizing largely with the interests of mankind, eminent even among learned men in a learned age for proficiency in all kinds of learning, coming out of straits and troubles into a great fortune, his imagination raised, his habits unfix'd, his direction not yet taken; why should he not be excited to seek his greatness in a work like this? Accordingly, when Bacon told Cecil, on the 3d of July, 1603, that he should put his ambition only upon his pen, it seems to me probable that he had newly conceived the design of writing his work on the "Proficiency and Advancement of Learning." I say newly, for it was certainly not the same work on which he had been engaged before, nor any part of it; nor was it till some years after that he determined to include it in the general design. If so, the first book — which may be described as a kind of inaugural lecture on the dignity and merit of learning as a work for the kings and potentates of the earth — must apparently have been written during this year;<sup>1</sup> and we need seek no further for an account of the way in which his time during the remainder of it was chiefly spent.

It was not, however, his only occupation. Though he had little or nothing to do this year as a member of the King's Learned Counsel, there were one or two subjects of such pressing importance in the political department, that he made bold to offer his opinion upon them.

<sup>1</sup> See my preface to the *Advancement of Learning*; Bacon's Works, vol. i., Part III., p. 90.

The first that had to be dealt with was the union of England and Scotland. We have seen that he had come away from his first interview with the King with an impression that he was "hastening to a mixture of both kingdoms and nations, faster perhaps than policy would conveniently bear." Now as much haste as was compatible with good speed, no man could wish for more than Bacon himself; for no man saw sooner or more clearly that England, well united with Scotland, had all natural requirements for becoming the greatest monarchy in the world. But he knew that things would not unite by being merely put together, and that perfect mixture required many conditions, of which time was one of the most indispensable. And I suppose it was in the hope, not merely of drawing a little attention to his own pretensions as a scholar and a thinker (though that was something), but also of tempering the King's impatience and reconciling him to the cautious pace at which it would be necessary to go, that he took leave to present him with a short philosophical treatise concerning the conditions under which perfect union takes place in nature, — an essay still interesting, both as a specimen of the *Philosophia Prima*, applied to a particular business in the details and practical management of which he was soon to be deeply engaged, and as showing that it was not as a member of the Learned Counsel, but as a scholar, a student, and a man of contemplation, that he chose to make his first approaches: a fact agreeing very well with my supposition that he regarded this as (for the present at least) his proper vocation and most promising career. And yet his aim is not the less practical, and bearing on the immediate business: for the conclusion is that Nature and Time must be left to do the work, and that artificial forcing will only spoil the operation; the very warning which the King stood most in need of.

With regard to the policy to be pursued in Ireland,

which was perhaps the next question in immediate urgency, — so impossible it was to stand still and yet so much depended upon the step taken, — Bacon had communicated his thoughts not long before to Cecil; and as Montjoy was now in England and a Counsellor, he had no pretense for interposing further in the matter at this time.

But there was another question, if not so immediately urgent, yet of a far more vital character, which forced itself upon James's attention, and upon the answer to which hung consequences beyond all estimate or prediction; a question turning indeed upon arguments which lay within his own province and which he was well qualified to handle, but involving issues which it was hardly possible for him to appreciate. This was the dispute between the High Churchmen and the Puritans; which Elizabeth had bequeathed to him still unsettled, but yet (for a new King coming to it unembarrassed by personal antecedents, able to understand the fact, and willing to accept and make the best of it) in a condition apparently very favorable for settlement.

Elizabeth had made up her mind at the beginning of her reign how much innovation she would allow: Protestantism was to go so far, and no farther. Nor had she miscalculated her own position. To the last, when a wave threatened to encroach, she could rebuke it and it would go back. But the tide was coming in, nevertheless; and had she reigned a few years longer, and in security from foreign enemies, she would have had to choose between making terms with the non-conformists and suffering from the want of subsidies. How she would have dealt with them, it is of course vain to conjecture. But I suppose her principal difficulty would have lain in her own mind and declared resolution. She would have had to retract a policy to which she stood publicly committed; and though I dare say she would

have known how to do it and would have got it done, the difficulty would have been considerable. To James the thing was comparatively easy. He was not as yet personally committed to either side in the controversy. He was not naturally disposed to sectarianism, in matters of opinion and doctrine, on any side. His tolerance towards Popery had no superstition in it; it arose not from an inclination to agree, but from a liberal admission of the right to differ. His objection to the Puritans was rather political than theological, and was in fact a legitimate counterpart of his objection to Popery; he took them for a party which aimed to make the Church supreme over the King, and themselves supreme in the Church. But apart from the political tendency of their opinions, I do not find that he had any horror of the particular opinions which they held; for he was naturally a Protestant, aware that Truth had many aspects, and willing to have all questions referred to reason and argument. There was nothing, therefore, to prevent him from taking the course which seemed most politic and prudent. His difficulty was to know what *was* the prudent course; for that depended upon the tendencies of popular opinion and the relative strength of parties; of which he had not yet the means of judging personally, and his advisers would no doubt tell him very different stories.

This was a question upon which Bacon, having been an active member of the House of Commons for nearly twenty years, had had good opportunities of forming a judgment. He had been (as we saw) by no means satisfied with the course formerly taken by the authorities in the matter; and being well aware of the weight of it, could not but be anxious that the chance should not be missed of taking up the right position now, when everything lay so fair and open for it; for as in differences between neighbors the question whether two families shall be friends or enemies for years to come will often



depend upon the temper of the first answer, so in the larger theatres of the world the manner of entertaining the first motion for reform may decide whether there shall be peace or war half a century after.

The right position no doubt was to treat the reformed Church as a living and therefore a growing body, subject to the condition of all growth, which is change; to dispose it to take in and digest into its own system as much as possible of all that was good in all that was new; not to attempt to fix it in the shape which appeared to the wisest men then living to be the most perfect, but to leave it open to receive new impressions from the wisdom of other men and other times; and therefore to admit as disputable within its precincts all questions which were among well instructed and earnest men really matter of dispute; allowing as much liberty to each as was compatible with the liberty of all, and trusting to the natural authority of reason in a fair field to make good the truth against all assailants. In any subject except theology this would undoubtedly be allowed as the only rational way of proceeding. If a commission were appointed to frame rules for a school of natural science or profane history, no one would think of prohibiting the promulgation of theories inconsistent with those at present accepted and approved; or if any such thing were done, the result might easily be foretold. The new schools which would not the less inevitably arise would come as enemies and antagonists of the old, and they would spend their time in quarrelling instead of inquiring. Now when the Scriptures were once accepted (as by all varieties of Protestantism they then were) for the supreme authority in matters of religion, the interpretation and application of them became a work of human science, subject to like conditions. To be pursued successfully it must be pursued freely. It is true that this *was not* a view which could then be taken by any party

in the Church or out of it. They all believed in orthodoxy, and each held it for a first duty to establish its own creed and exclude every other — if possible, forever. Not the less, however, was it the wisdom of the Protestant Church to make room for as many varieties of honest opinion as were not incompatible with each other; and it seems probable that the manifestation even of a *tendency* in that direction would have sufficed to draw towards it all that was most learned, worthy, and influential in the religious opinions of the time. For though the change of masters, joined with the general uncertainty as to the policy which would find favor with the new King, had awakened all hopes and set all discontents free to express themselves, and James was greeted at his entrance with many petitions for reformation in the orders of the Church, it is impossible to look through the list of particular alterations proposed without feeling that most of the points in question might have been left open without either danger or disturbance to the establishment. Where authority does not interfere, general opinion keeps order; and there can be little doubt that the great majority of churchmen, if left to themselves, would have followed the fashion, and so established as much uniformity in practice as was desirable.

The danger was in giving it to be understood that *nothing* would be conceded; for opposition to a government which threatens dissatisfaction to all alike is the one thing in which all varieties of dissatisfaction can agree. On the other hand, the indication of a willingness on the part of the Church to tolerate differences — to allow more liberty for clergymen to think freely and to say freely what they thought — would to a certain extent have satisfied them all, and united them in a common support of the government. And this course, which a wise statesmanship would surely have prescribed, appeared to Bacon to be prescribed by reason and religion as well. “A

man that is of judgment and understanding shall sometimes hear ignorant men differ, and know well with himself that those which so differ mean one thing, yet themselves would never agree. And if it come to pass in that distance of judgment which is between man and man, shall we not think that God above, who knows the heart, doth not discern that frail men in some of their contradictions intend the same thing, and accepteth of both?"<sup>1</sup> To "accept of both," therefore, was the course which he would have recommended to the Church in cases where religious men, intending acceptable service, brought different gifts; and now was time when such a course might be most happily inaugurated.

It was under these circumstances that (having received some gracious acknowledgment of his discourse touching the Union of the Kingdoms) he made bold to present to the King, in a paper entitled "Certain Considerations touching the better Pacification and Edification of the Church of England," with his opinion as to the best method of reconciling the prevailing dissensions.

This paper—a worthy sequel to the "Advertisement touching Church Controversies" written in 1559—was presented to the King "at his first coming in;" and was not (I presume) meant to be published at that time. There exists, however, a printed copy with the date 1604—the same, probably, which Dr. Rawley mentions in his commonplace book as having been "called in." In 1604, when there was a great demand for all Bacon's political tracts, it was reprinted. And it was afterwards included in the "Resuscitatio."

What the King thought of Bacon's suggestions we are not directly informed, but, judging from his subsequent proceedings, I gather that he generally approved, and was for his own part disposed to act in the spirit of the

<sup>1</sup> *Essay of Unity in Religion.*

He began by treating the questions at issue as matters deserving grave consideration; showed himself ready to allow any alterations which could be proved to be requisite and fit; and with that view invited the leaders of the party which desired alteration to appear and state their case for themselves. If he had stopped there, playing the part of listener only, and reserving the expression of his own opinion for after-consideration, I suppose he could not have done better. His error—a characteristic error, and springing out of what was best in him, considered as a man—was in allowing himself to be drawn personally into disputation. Even if the case of his opponents had been one which admitted of a refutation conclusive and unanswerable in itself, it would have been better not to urge it. The old proverb tells us to “let losers have their words,” and upon the same principle the authority which can overrule in action should not be too solicitous to defeat in argument. But in this case there was no hope of convincing the opponents that they were wrong, and the attempt was sure to invite opposition and aggravate disappointment. And yet to let an answerable argument pass unanswered was a piece of forbearance to which the scholar-King was not equal; and in comparing the second day of the Hampton Court conference with the first, the consequences are traceable very distinctly. On the first day, when he was taking order with his councillors what changes should be made, and had only his own Bishops to dispute with, he seems to have gone altogether in the direction which Bacon advised, and to have been disposed to go a good way. Before he had got through the second, when he was engaged in argument with the dissentient doctors, he had committed himself to a position which Bacon would certainly not have approved. “This (said he, in answer to a question how far the Church had authority to prescribe ceremonies) is like Mr. John Black, a beardless boy, who told me, the

last conference in Scotland, that he should hold conformity with his Majesty in matters of doctrine; every man, for ceremonies, was to be left to his liberty. But I will have none of that; I will have doctrine, one discipline, one religion, in substance and ceremony. Never speak more on that point — how you are bound to obey.”<sup>1</sup> Now ceremonies, in themselves indifferent, were precisely what the dissenting party most strained at; and such declarations as though intended to procure quiet, did in fact warn them that they must either abandon what they took for point of conscience or seek for relief elsewhere, and thereby undid the tranquillizing effect of the concessions which the King was willing to make, and which were not inconsiderable. What they were it may be convenient to set down here. This was the last occasion on which Bacon went out of his way to interpose in the quarrel; but ever after against all attempts to unsettle these questions, when they had once been by the legitimate authority “determined and ordered.”

How little disposition there was to employ Bacon in the business of the Learned Counsel at this time is seen in the fact that his name does not anywhere appear in connection with that singular conspiracy, or series of conspiracies, which rattled the otherwise universal quiet of James's entrance into England: a conspiracy in which many representatives of different parties, — the Catholic priest at open war with the Jesuits, the ordinary Catholic country gentleman, the high-couraged Puritan nobleman, the ambitious disappointed courtier, and (strangest of all) the soldier-sailor-statesman distinguished in peace and for inveterate enmity to Spain, — having no common object to aim at, no pretence to put forward, no injuries to resent, no adherents to rely upon, but drawn, it seems, only by a common hope of profiting in their several ways

<sup>1</sup> Fuller

the chances of confusion, met together in an insane project for overpowering the government. As Bacon took no part in either the investigation or the trials, as he has not left on record so much as an opinion upon any of the questions at issue, and as the current of affairs was not materially affected either by the attempt or by the proceedings which followed, I am happily relieved from the duty of attempting to make the history of it intelligible. It is enough to say here that the main plot — commonly called the "Priests' plot," but in which Lord Grey the Puritan was an accomplice — came to the knowledge of the government about midsummer, and fell to pieces at once; that before Christmas the several persons implicated had been tried and found guilty; that the Priests, against whom the case was strongest and clearest, were hanged, and the rest, with general consent and applause, respited; and that if it had not been for the manner in which the trial of Raleigh was conducted, — for which I think Sir Edward Coke must be held singly responsible, — the whole thing would have ended there, and produced no further effect, direct or indirect. The trial of Raleigh, however, had one very extraordinary result at the time, and became by a strange accident the cause of a serious embarrassment long after, with which we shall be more particularly concerned; it may be well therefore to add a few words as to the position in which he was left.

Raleigh had passed his fiftieth year; had been a brilliant and conspicuous figure in various fields of enterprise from his youth; had never been conspicuously engaged in actions hostile or offensive to the people; had already performed all the deeds (his great literary work excepted) on which his fame rests; and yet he had never been popular; but the contrary. And since his popularity dates from the day on which he was put upon his trial and made his own defense, it is natural to suppose that the cause in which he spoke and suffered was not only

good in law but gracious with the people. This, however, was by no means the case. He went to his trial a man so unpopular that he was hooted and pelted on the road; he came out an object of general pity and admiration, and has held his place ever since as one of England's favorite and representative heroes; and yet, if we except his gallant bearing and splendid abilities (which were no new revelations), there was nothing in his case which could have tended either to excite popular sympathy or to command popular respect; nor has anything been discovered since that enables us to explain his connection with the plot in a way at all favorable to his character. By his own showing he had been in intimate and confidential relations with a man whom nobody liked or respected, and who was secretly seeking help from the hated Spaniard in a plot to dispossess James in favor of the Lady Arbella. By his own admission he had at least listened to an offer of a large sum of money, — certainly Spanish, and therefore presumably in consideration of some service to be rendered to Spain. And though it is true that we do not know with what purposes he listened, how much he knew, how far he acquiesced, or what he intended to do, it is impossible to believe that his intentions (whether treasonable or not) were, or were then supposed to be, either popular or patriotic. He did not himself attempt to put any such color upon his proceedings; declaring only that he did not know of the plot in which his confidential friends were engaged. His blindest advocates have not succeeded in doing it for him. And those who, though partial, have taken pains to examine and felt bound to respect the evidence, have scarcely succeeded even in believing him innocent. Among the students of his life in recent times there has been none more truly desirous to find heroic virtue in all his aims and actions than Mr. Macvey Napier; yet in endeavoring to explain his connection with Lord Cobham, as disclosed in



the course of this trial, he is driven to suspect him of a design so far from heroic in itself that it is hard to understand how it could find place in a mind in which the heroic element predominated.

"Old Major Stansby of . . . Hants," says Aubrey, "a most intimate friend and neighbor and cotanean of the late Earl of Southampton (1d. Treas.), told me from his friend the Earl, that as to the plot and business about the 1d. Cobham, etc., he [Raleigh], being then governor of Jersey, would not fully or etc. [sic], unless they would go to his island; and that really and indeed Sir Walter's purpose was, when he had gotten them there, to have betrayed them and the plot, and so have delivered them up to the King, and made his peace."<sup>1</sup>

To this report Mr. Napier refers us,<sup>2</sup> after an elaborate discussion of the evidence, as containing the explanation of Raleigh's connection with the plot which he seems inclined to accept as upon the whole most probable. And it must be admitted that of the difficulties which his case presents, one at least would be removed by it. Had his case been clear, it is incredible to me that, with such a head, such a heart, and such a tongue, he would have left it so ambiguous that a worshipper of his memory is driven to a conjecture like this. But if the conjecture be true, — if it be possible to suppose that he had been really inviting his friend's confidences with the intention of betraying it,<sup>3</sup> — that difficulty vanishes. Upon that supposition we may say that he purposely left the case dark, because he knew it would not bear the light; and if so, his handling of it so as to produce such a wonderful revolution of popular opinion in his own favor must surely be regarded as one of the most surprising feats of audacity and genius that the wit of man ever achieved.

<sup>1</sup> Aubrey's *Letters*, ii., p. 216.

<sup>2</sup> *Edinburgh Review*, April, 1810, p. 61.

<sup>3</sup> Nay, it is even a version of Aubrey's story that Raleigh's intention really was to inveigle Cobham to Jersey, and then, having got both him and his high treasure in his power, to make terms with the King.

I quote this, however, not as an explanation satisfactory to myself, but only as evidence that the case was and is still thought to require explanation; for beyond this the report is of little or no value. It proves only that Raleigh's famous defense left people to wonder and guess how far and in what way he was really implicated; and that this was one of the guesses in circulation half a century after.

But though the question of his guilt or innocence remains doubtful, and the verdict of the jury (who were better acquainted with the evidence than their outside critics, whose judgment was formed upon very imperfect reports, for no official statement was published) may for anything we know have been substantially just, the conduct of the trial cannot be defended. The unfair advantages insisted on by the Attorney General on behalf of the Crown, and allowed by the Judges, turned by a natural reaction to the great disadvantage of the Crown in the court of popular opinion, and left a blot in the tables which imperilled the whole game, and the effect of which was felt long afterwards, — as we shall see in due time. For the present, Raleigh remained a prisoner in the Tower; respited, not pardoned; still under attainder for High Treason, and therefore, as the Law phrased it, "civilly dead," — a man who, being alive in fact, was still capable of committing new crimes and offenses, but, being dead in law, was not capable of being "drawn in question judicially" for any crime or offense he might afterwards commit, — a man, in short, to whom Justice was thenceforward forbidden by Law.

In all this, Bacon, though no doubt an earnest and anxious observer, had no part as actor, adviser, or reporter. He came in for a share in the subsequent embarrassment, but was no way concerned in preparing the materials out of which it grew.

Neither do I find that he had anything to do with the

negotiations which ended not long after in the treaty of peace with Spain: a treaty of which the policy was and is disputed, but the consideration does not concern my subject.

To this period, however, belongs one other paper<sup>1</sup> of great importance, to which I have already had frequently to refer, — a paper very interesting to me, as being one of those by which I was first attracted long ago to the study of Bacon's personal character and history, and which grows in interest as the case is better understood. The exact date of the composition I do not know; further than that the earliest printed copy bears 1604 on its title-page.

If the popular disapprobation excited at the time by Bacon's conduct towards the Earl of Essex was as great and as universal as it is usually assumed to have been by modern writers, it seems strange that proofs of the fact should not be more abundant. I believe, however, that the only contemporary witness who can be cited to prove the existence of any disapprobation at all is Bacon himself; and though his evidence proves conclusively that disapprobation had been expressed, the absence or silence of other witnesses proves almost as conclusively that it had not been expressed very generally or very loudly.

Such as it was, it had grown out of misinformation as to the part which he had really taken in the matter. For when Essex on his return from Ireland was committed to custody, those of his friends who, not knowing the circumstances, could not otherwise account for his loss of favor, naturally imputed it to the influence of some enemy at Court; and as the news ran that "all the Lords were in this matter his friends, for all spoke for him," while of Bacon it was only known that he was at

<sup>1</sup> See Francis Bacon his Apologie in certaine Imputations concerning the late Earle of Essex. Written to the Hon. At Honourable his very good Lord, the Earle of Devonshire, Lord Lieutenant of Ireland.

that time frequently admitted to speech with the Queen, their suspicion not unnaturally fell upon him; and a suspicion in such cases soon becomes a rumor. Now a rumor of this kind could not be satisfactorily met without the disclosure of confidential conversations in which others were concerned. It was allowed accordingly to prevail, and produced its natural effect. "Pity in the common people, if it run in a strong stream, doth ever cast up scandal and envy;"<sup>1</sup> and the pity which ran so strongly in favor of Essex had cast up scandal and envy against Bacon. From the duty of bearing it in silence he was now by the death of the Queen partly released; he could now judge for himself what and how much he was at liberty to disclose of that which had passed between them. Whether any particular occasion impelled him to speak at this time, — any revival of the calumny (such as James's supposed partiality for Essex and his open favor towards the surviving members of the party would naturally encourage), or some expression which may possibly have fallen from the Earl of Southampton upon his offer of congratulation, — or whether it was merely that he wished to take the earliest opportunity of clearing himself from a painful and undeserved imputation, I cannot say; for no record remains to show what was said of him, or when, or by whom, except what may be collected from the terms of his answer. But the time was in one respect very convenient. For Lord Montjoy, who was cognizant of the whole case, — those parts of it which could not yet be made public as well as the rest, — was now in England and in high reputation, newly created Earl of Devonshire and Lord Lieutenant of Ireland. He had been deeply involved in some of Essex's most secret intrigues, and had only escaped the consequences through a bold connivance on the Queen's part; who wanted his service and felt that she could trust him, and made him

<sup>1</sup> *History of Henry VII.* Works, II., Part 1., p. 303.

understand that she meant to be ignorant of what had passed. No man could be less suspected of an inclination to judge Bacon's conduct too favorably. No man was so little likely to be deceived by a false story; nor was any man, on the other hand, so well qualified to understand the full meaning of the true story in those parts where the meaning could not yet be fully explained. To him, therefore, as to the best and fairest representative of the party by whom he was censured or suspected, Bacon now addressed a letter of explanation; of which the object is, not to justify himself for neglecting the duties which in the common understanding of the world a man owes to his benefactor, but to show that he had to the best of his judgment and ability discharged them, up to the time when it became impossible to take his part further without betraying duties still more sacred. And if he does not enter into a formal vindication of the part he took at and after the trial, his motive may be easily conjectured. He could not have done it without repeating the story of Essex's offense, at a time when it would have served no higher object than the clearing of his own reputation.<sup>1</sup>

This letter was published in a small volume very convenient for circulation; and as another impression was issued in the following year, we may infer that it was circulated widely. It would have been very interesting to know what was thought and said of it then; but I can find no news of its reception. I do not remember to have met with a single allusion to it by any one living and forming his impressions at the time; a fact which does not countenance the notion that it was at the time felt to be unsatisfactory; for an ineffectual attempt to defend himself against a popular outcry is pretty sure to make the man more unpopular and the outcry louder.

<sup>1</sup> Frequent references to the *Apology* appear in the course of the narrative of Essex's adventures.

Positive evidence, therefore, as to its effect upon those to whom it was addressed I cannot produce. But the negative evidence is significant. "It is not probable," says Lord Macaulay, "that Bacon's defense had much effect upon his contemporaries. But the unfavorable impression which his conduct had made appears to have been gradually effaced." From this I infer that Lord Macaulay's reading furnished no expression or anecdote which implied, or could be made to seem to imply, that the unfavorable impression continued after the explanation had been heard. And as this is exactly what would have happened on the supposition that his defense *did* produce its natural effect upon his contemporaries, and is very hard to explain upon any other supposition (seeing that Bacon's course of life, as a rising man in Court favor, in the House of Commons, and in his profession, exposed him to envy and free criticism in a world which was in this matter prejudiced against him), I think we may fairly leave it there.

### CHAPTER III.

A. D. 1604. ÆTAT. 41.

THE resolution to call a Parliament, having been postponed from month to month in consequence of the sickness then prevailing in London, was at length announced by Proclamation on the 11th of January, 1603-4. The session began on the 19th of March, and was opened by the King in person with a gracious and judicious speech, explaining his views on peace, on the union of the kingdoms, on the limits of toleration in religion, and on the general duties of government; in all which there seems to be nothing to find fault with; and if he had not called the devil "a busy bishop," — upon which one of the Bench is said to have remarked that "his Majesty might have chosen another name," — I am not aware that any exception would have been taken to it.

But a clause in the Proclamation, introduced it seems by the Lord Chancellor, had sown the seed of a difficulty which threatened to spoil the concert; and of which the history is worth telling at large, not only for the part which Bacon took in it, but also for the light which might have been taken from it as to the true method of arranging those disputes between Privilege and Prerogative which were destined to be the trouble of the times.

The Proclamation had noticed that all returns and certificates of Knights, Citizens, and Burgesses were to be brought to the Chancery, and there filed of record; and if any were found to have been made contrary to the Proclamation "the same was to be rejected as unlawful



and insufficient." A previous clause had forbidden election of bankrupts or outlaws. Sir Francis Goodwin, who was returned for Buckinghamshire, was objected as having been outlawed; the return was accordingly refused by the Clerk of the Crown; and a new writ was issued from the Chancery, Sir John Fortescue, a Peers Councillor, was elected instead. This was before the meeting of Parliament; and the very first motion made in the Lower House after the election of the Speaker was for an examination of the return and the admission of F. Goodwin as a member. The motion was approved; the Clerk of the Crown was summoned to appear the next morning with the writs, returns, indentures, &c. and Sir Francis Goodwin was ordered to attend in person and explain his case; a select committee being at the same time appointed (as usual at the beginning of a session) to examine all questions touching privileges and returns. Upon a full consideration and discussion of the case (in which Bacon appears to have taken a prominent part; for though there is no report of what was said, his name heads the list of members named as speakers) it was resolved that Goodwin was not an outlaw, and had been duly elected; upon which the Clerk of the Crown was ordered to file the first return, and Goodwin took the oaths and his seat.

This was on Friday, March 23, and thus the House was brought into collision with the Court of Chancery upon the question of jurisdiction—to which of them belonged to judge of the validity of the return; a point of Privilege important in the highest degree; for if the judgment of the Court of Chancery was conclusive, the Chancery could control the composition of the House. On the following Tuesday the dispute was further complicated by a message brought by the Attorney General from the Lords, desiring a conference on the subject; which the Commons replied that "it did not stand w

the honor and order of the House to give account of any of their proceedings." This brought them into collision with the Lords. And worse was behind. For thus far the King had not been implicated: but when the Attorney General returned presently with another message signifying that the Lords had acquainted his Majesty with the matter, who "conceived himself engaged and touched in honor that there might be some conference of it between the two Houses, and to that end signified his pleasure unto them, and by them to this House," — they were fairly in collision with all three: the Chancery whose judgment they had reversed, the Lords with whom they had refused to confer, and the King who had taken part with the Lords.

Upon this they moved for access to the King himself; which was granted for the next morning. A committee was immediately named (Bacon's name the first on the list) "to set down the effect of that which Mr. Speaker was to deliver from the House to the King." And on Wednesday at eight o'clock in the morning he went, accompanied by a select committee; explained their whole proceeding, and the grounds of it; heard the King's answer to the several points, and received his "charge," — which was that they should first resolve amongst themselves, then confer with the Judges and report to the Council. All which he related to the House the next day.

And now came a grave difficulty. For the King had argued the case himself, and (as he could not easily refrain from giving an answer when he had it ready) had personally committed himself to the legal doctrine which had been laid down, I suppose, by the Lord Chancellor and the Judges. "By the law (he said) this House ought not to meddle with returns, being all made into the Chancery; and are to be corrected and reformed by that Court only into which they are returned. In 85 Hen. VI., it was the resolution of all the Judges that

matter of outlawry was a sufficient cause of the dismissal of any member out of the House. The Judges have now resolved that Sir Francis Goodwin standeth outlawed according to the laws of the land." Not merely therefore upon the question whether they should confer with the Lords, but upon the entire constitutional question involved in the case, and upon each several point of it, they were now engaged in a direct dispute with the King himself. Prerogative and Privilege found themselves suddenly face to face in a narrow passage: one must stand aside to let the other pass, or each must be content with half the pathway. What was to be done?

Their immediate resolution was to postpone the further consideration of the question till the next morning. In the debate which then took place, it appeared that upon one point they were at once and unanimously resolved, — to stand fast by the principle that they were judges of their own returns, sole and unaccountable. On that point no one talked of a compromise. But upon the question how they should proceed in asserting it, opinions were much divided. And here it was that Bacon became, as I take it, an important actor in the matter.

His advice amounted to this: Establish the privilege; settle, and offer (if necessary) to amend, the law; but avoid a dispute upon the particular case. The King has desired that we should argue the question before the Judges; let us consent to do so; and in the mean time prepare for the argument by considering and resolving upon the "material questions" which it will raise.

Others, however, were strongly against yielding to the conference; as upon a matter which they had already decided; and the debate ended in the appointment of a committee to set down in writing the reasons of their proceeding, and in a resolution — directly against Bacon's recommendation — *not* to confer with the Judges. These reasons — which were drawn up in the form of an

address to the King, setting forth in order all the objections made "by his Majesty and his reverend Judges," and answering them point by point—having been read and approved, a committee was appointed to take them up to the Lords, and the same afternoon (April 3) they were delivered by the hands of Bacon; whose report of what passed is thus recorded in the Journals:—

"Sir Francis Bacon, having the day before delivered to the Lords, in the Council Chamber at Whitehall, according to the direction of the House, the reasons in writing, penned by the committee touching Sir Francis Goodwin's case, maketh report of what passed at the time of the said delivery: First, that though the committees employed were a number specially deputed and selected, yet that the Lords admitted all Burgesses without distinction: That they offered it with testimony of their own speed and care in the business, so as, they said, no one thing had precedency, but only the Bill of Recognition: That they had such respect for the weight of it, as they had not committed it to any frailty of memory, or verbal relation, but put it into writing for more permanent memory of their duty and respect to his Majesty's grace and favor: That in conclusion they prayed their Lordships, sithence they had nearer access, they would coöperate with them for the King's satisfaction; and so delivered the writing to the hands of the Lord Chancellor; who, receiving it, demanded whether they should send it to the King or first peruse it. To which was answered, That since it was the King's pleasure they should concur, they desired their Lordships would first peruse it. The Lord Cicell demanded, Whether they had warrant to amplify, explain, or debate any doubt or question made upon the reading: To which it was said, they had no warrant. And so the writing was read, and no more done at that time."

The writing in question was drawn up in a style very

well suited to the purpose : being clear and conclusive and yet temperate and respectful ; and including an intimation that they had already, in deference to the King's remarks, prepared an act disabling all outlaws thenceforth to serve in Parliament ; and it seems probable that the difference would have been arranged without further difficulty, had it not been for that formal resolution against consenting to a conference with the Judges which had been passed so shortly before. The King had professed to have no personal interest in the dispute, and treated it merely as a question of constitutional law, upon which he had been guided by the opinion of the Judges. The argument of the Commons went directly in the teeth of that opinion ; and he would naturally wish to hear what the Judges had to say in reply, and what the Commons might have to say in reply to them again. And as they had voluntarily waived their right of refusing to give an account of their proceedings to anybody, there seemed to be no reason why they should insist upon doing it in the absence of those with whom the dispute really was.

Their answer to the King's and Judges' objections had been delivered to the Lords on the afternoon of the 3d of April, without any intimation of their resolution (passed the evening before) against a conference with the Judges. On the morning of the 5th, the King — perhaps not knowing, certainly not having been formally apprised of that resolution — sent for the Speaker ; told him that “ he had seen and considered of the manner and the matter ; he had heard his Judges and Council, and that he was now distracted in judgment. Therefore for his further satisfaction he desired and commanded as an absolute King, that there might be a conference between the House and the Judges ; and that for this purpose there might be a select committee of grave and learned persons out of the House, and that his Council might be

present, not as umpires to determine, but to report indifferently on both sides."

If there was any doubt before as to the expediency of the former resolution, there could be none now; for upon receiving this "unexpected message," they consented at once, and very judiciously, to abandon it. They were indeed involved in a dilemma, out of which the only escape lay backwards; and the same member who had before been most vehement not only against conference, but apparently against compromise of any kind, was now foremost to retreat. "The Prince's command," said Yelverton (for it was he who first broke the silence), "is like a thunderbolt; his command upon our allegiance is like the roaring of a lion. To his command there is no contravention. But how or in what manner we should now proceed to perform obedience, that will be the question." Another suggested that the King should be present himself at the conference, to hear, judge, and moderate the cause in person. And a select committee was thereupon appointed "to confer with the judges of the law touching the reasons of proceeding in Sir Francis Goodwin's case, . . . in the presence of the Lords of his Majesty's Council; according to his Majesty's pleasure signified by Mr. Speaker this day to the House;" the committee to "insist upon the fortification and explaining of the reasons and answers delivered unto his Majesty; and not proceed to any other argument or answer, what occasion soever moved in the time of that debate."

The next day being Good Friday, the House was adjourned for a week and did not meet again till the 11th of April. In the course of that day, — upon the return (I suppose) of the committee from the conference, — Bacon, who had been spokesman, was called on for a report of what had passed; and when he replied that "he was not warranted to make any report, — and *tantum permissum quantum committitur*," it was ordered that the

committees should have another meeting for conference amongst themselves, and that he should then make his report.

The notes of the report which he made, like most of those in the Commons' Journals, are not *abstracts* of what was spoken, but merely disjointed fragments, made to look continuous by the simple process of writing them out in sequence. The note-taker seems to have set down as much as he could follow; sometimes the beginning of a sentence, sometimes the end; leaving gaps of all sorts and sizes; so that it is often difficult to assign the several sentences to the several speakers, or to make out so much as the general course of the argument.

In this case, however, we may gather that the King began by maintaining that the Court of Chancery and the House of Commons being *both* courts of record, with power to judge of returns, neither of them could be called in question by the other, and therefore that the first judgment must stand; to which Bacon answered on behalf of the Commons, that the Chancery was a judge of the returns only for the purpose of making the House, which as soon as it was made became itself the judge; for otherwise, if the Chancery were governed by the Sheriff's return, and the House might not call the return in question, the Sheriff's return did in effect bind the Parliament. It may be gathered further that upon this point (which was the material one), though the Judges were still prepared to contest it, the King was prepared to yield; but, in order to settle the difference more handsomely, proposed that the two Courts should meet each other half-way; and therefore that *both* returns should be set aside, a new writ be issued, and a new election proceed; that to this proposal (which was in accordance with his own former advice, namely, to content themselves with establishing their privilege, and avoid a contest with the King about the particular case) Bacon made



no objection ; but reported it to the House and recommended them to accede to it.

If in thus entertaining the question of a compromise he a little exceeded his commission (and exception was taken to his report on that ground by some members, as "drawing upon the House a note of inconsistency and levity"), it was a wise liberty and well accepted by the great majority ; for "the acclamation of the House was, that it was a testimony of their duty, and no levity ;" and it was forthwith resolved (Sir Francis Goodwin's formal consent having been first obtained) to issue a writ for a new election and to send a message of thanks to the King ; which was delivered accordingly on the 12th of April, and accepted very graciously. And so that business ended.

It was a good example to show how such differences might be successfully and satisfactorily arranged. For the Privilege was never afterwards called in question ; and in the mean time the concession, which was in itself quite immaterial, satisfied the King ; who, though jealous of his Prerogative, does not appear to have had any intention of interfering with their liberties ; but would have been ready, I think, to settle all such questions almost as they would, so long as he was allowed to feel that in assenting to their petitions he was *using* his Prerogative and not abandoning it.

This and other disputes, though not without their importance in the development of our Parliamentary constitution, were serious and vexatious interruptions to the great businesses of the time, upon which the House had shown every disposition to enter promptly and earnestly. The greatest of these was no doubt that which the King had especially recommended to them, and to which his own aspirations were at this time almost exclusively directed, — the Union of England and Scotland ; a national work of which it was hardly possible to overrate the im-

portance. But it was full of difficulties and had approached with caution. In the mean time there other questions which stood much in need of settle and might be proceeded with at once; and though results attained were not destined to be considerable the present, the subsequent history of the reign, especially of Bacon's political career, cannot be properly understood without careful observation of the first movements.

1. The law which gave to the Crown the wardship of minors, springing originally out of the obligations of the feudal system, had ceased to be fit for the existing condition of society, and began to be felt as a burden and grievance to the subject. Being nevertheless a source of considerable revenue to the Crown, the legality of it was not disputed, it was a fit subject for Parliament to deal with by way of bargain.

2. The officers whose duty it was to provide food and lodging, and other necessities for the Court in its journey, had of old been in the habit of abusing their authority, and many acts had been passed to keep them in order; but the abuses still continued, and formed another source of grievance.

3. The popular clamor against monopolies had been allayed for the time by Queen Elizabeth, as we have seen; and one of James's first acts was to carry out his intentions, by a Proclamation prohibiting the use of monopoly-license ("except such grants only as had been made to any corporation, or company, of any art or mystery, or for the maintenance or enlargement of trade or merchandise") till it had been examined and allowed of by the King, with the advice of his Council. "to be fit to be put in execution without any prejudice to his loving subjects." But the true state of the matter with regard to these patents, and to the power exercised by the Crown of granting dispensations from pen-

imposed by statutes, which was part of the same question, was still doubtful, and it was a fit time to settle it.

4. Since the Hampton Court Conference, a new edition of the Book of Common Prayer had been put forth by authority, with some alterations and explanations: and a confirmation of it by Act of Parliament was thought expedient.

All these questions, with one or two others of less importance, were brought under consideration of the House on the first day (23d March), and being immediately referred to a committee (of which Bacon was a member, and I suppose an active one, since he was selected to make their first report to the House) were proceeded with at once.

The three last came within the powers of the House in its ordinary course of legislation. For the abuses of Purveyors and Car-takers, a sub-committee was appointed to peruse the former statutes concerning them, and to draw a Bill for their restraint. With respect to dispensations from Penal Statutes, a Bill was reported ready drawn, which was to be offered for the consideration of the whole House. For Monopolies, all persons aggrieved were invited to bring in their complaints in writing, that the committee might consider them and frame a law according to the cause. For the Book of Common Prayer a sub-committee (in the list of which Bacon's name stands first) was appointed to "capitulate the alterations" and lay them before the committee in writing, "together with their own opinion of the said book."

But the question of Wardship was of a different character. Being a matter of arrangement, which would require the concurrence beforehand of both the King and the Lords, who had a personal and legal interest in it, they judged it necessary to begin with a conference.

The Lords were quite ready to confer, and only de-

sired that some other things of the same kind — as the right of Homage, License of Alienation, and the general abuse of Purveyors and Car-takers — might be included in the consultation. To this the Commons readily agreed, and the proper number of committees being appointed, the Conference took place the same afternoon.

Bacon, who was employed to make the report, will appear hereafter in a more prominent position in connection with this question of Wardship; but in the subsequent proceedings during the present session I do not take any notice of the part he took, or whether he took any part. The cause appears to have been under the special charge of Sir Edwyn Sandys, one of the ablest of the dependent members; but it made no further way. Many accidents intervened to postpone the proposed Conference; and by the time it took place (which was not before the end of May) tempers were altered, and the result was unsatisfactory. But of this I shall have occasion to speak further on, in connection with the circumstances which brought the session to a somewhat sullen and cloudy end.

The movement against the Purveyors, in the meantime, had fared a little better. Though the Commons had readily assented to the proposal of the Lords that this subject among others should be discussed at the Conference, they would not allow it to be put into the same boat with Wardship and Tenures, but resolved to deal with it separately. Instead, however, of dealing with it directly by a Bill — which was their first intention — they concluded upon further consideration that it would be more prudent to feel and prepare their way by a petition to the King, to be delivered “with some speech of introduction and explanation,” and that speech to be made by Bacon.

This speech was delivered on the 27th of April, when the King was eagerly urging on the settlement of the

Union, a measure which was proceeding slowly through a variety of obstructions, very trying to his patience, though they had not yet prevailed over it. He was not at all in a humor to make any new difficulty, and in this case he had no temptation. He had no sympathy with extortionate Purveyors, whom he was always ready to hand over to the Lord Chief Justice in case of complaint; and having committed himself to no opinion which the motion threatened to assail, he was quite ready with a gracious answer and allowance. There can be no doubt that the movement, thus gracefully and judiciously conducted, was so far quite successful. The Commons had his full consent to proceed with their professed object, and were only desired to confer with the Privy Council about it.

In a subsequent conference with the Lords an annual payment of £50,000 by way of composition was proposed; which was more than the Commons were prepared to give. But difficulties were found as to both matter and manner, and their consultations amongst themselves (in which I find no further traces of Bacon except in a recommendation to be content with the substance, if they could get it, and not to stand upon the form, "That we be not in Tantalus' case, *Spectat aquas in aquis et poma fugacia captat*: since it is to be hoped that his Majesty will give us satisfaction in the matter, let us give him satisfaction in the manner") ended at last in a resolution (2d June) to postpone all further proceeding till the next session, and to send a message to the Lords to that effect.

The truth was that other misunderstandings had arisen, which made smooth proceeding at present more and more difficult. And, to explain these, we must now follow the great Union question through its first stages.

The proceedings in relation to the Union began on the 14th of April, with a message from the Lords inviting the

Commons to a conference. Their proposition (announced by the Lord Chancellor as "the King's purpose") was to agree first upon a union in *Name*, and proceed afterwards to the consideration of laws and government, their reason, I suppose, being that the Name appeared to be a simple thing which might be settled at once; while the other would be a long business.

It soon appeared, however, that an alteration by Act of Parliament of the name and style of the two kingdoms was not so simple a thing as it seemed to be. And the question being after much discussion and many conferences referred to the Judges, who all agreed that it would involve the extinction of all the laws then in force, it was settled that the name and style should not be meddled with, and they should confine themselves to the appointment of Commissioners to consider the other questions incident to a complete union and incorporation of both laws and kingdoms.

This was on the 30th of April. On the 12th of May Bacon delivered in "a draft of the Act for the Authorizing of Commissioners."

On the same day the House proceeded to the choice of the persons who were to be trusted with the Commission; and having first agreed that the list should include two Privy Councillors, two Ambassadors, four Common Lawyers, two Civilians, four Merchants, and sixteen Country Gentlemen, they had the names proposed one by one, and a several question put upon every name; and so the number was filled up. The names were marshalled afterwards according to rank; but it seems that they were proposed in order of importance; for the first vote was given for Bacon.<sup>1</sup> It now remained only to agree with the Lords upon the frame of the Act, which led to two or three

<sup>1</sup> "And that myself was by the Commons graced with the first vote of all the Commissioners selected for that cause." — *Certain Articles or Considerations touching the Union of the Kingdoms, etc.*

additional conferences, but to no material disagreement; and the Bill, being sent down from the Upper House on the 30th of May, went as fast as possible through its regular stages, and was passed by the Commons on the 2d of June. Which was as much as could be done in the matter, to any good purpose, for the present.

Thus far the King had in fact conceded all that was necessary easily enough, and in time enough; insomuch that if he had only kept his thoughts and feelings to himself, his *acts* would have appeared wise, prudent, and temperate. But though good sense and good nature had prevailed with him in action, he was in his heart a good deal disappointed and mortified at finding so many difficulties made, in a work from which he had looked for nothing but applause and congratulation and everlasting honor; and this mortification, unfortunately, he could not help betraying. On the 21st of April he had told a Committee of the Commons that "he wished his heart were of crystal, that all might see his cogitations;" and on the 1st of May he wrote a letter to the House, which showed that his wish had been granted, — a letter of which the business and practical errand was merely to say that the point to which they demurred was withdrawn, and that they were free to deal with the question in their own way; but in which the personal sensitivities of a man who felt that his affection had been ill-requited, his words ill-weighed, his intentions misunderstood, his hopes disappointed, showed through in every line, and in its turn so hurt the feelings of his faithful Commons — for the House (strange to say) had feelings almost as jealous and sensitive as his own — that they were hardly dissuaded from making a formal grievance of the letter, and petitioning for access, that they might give him what they called "satisfaction," which always meant an argumentative demonstration that they were right and he was wrong. This danger was happily avoided for the present



by another message, intimating his gracious acceptance of both the intention and the forbearance. But wounded hearts remain tender; and there were several business in progress which could hardly be handled without danger of fresh irritation. The Committee was still engaged collecting evidence of the abuses of Purveyance. The composition for Wardship—a money-bargain for relief from an oppressive prerogative—was still under discussion. The struggle with the Warden of the Fleet over the body of Sir Thomas Shirley<sup>1</sup> was at its hottest. A series of conferences with the Lords and Bishops was bringing them nearer and nearer to points of inevitable and irreconcilable disagreement. Not a word had been said as yet about Supply. And in the middle of all this there sprung up a new and unexpected cause of quarrel in a book just published by one of the Bishops; a book tending (according to the description given by the member who brought it under notice) “to the derogation and scandal of the proceedings of the House in the matter of the Union; answering the objections made against the union in Name; and taking knowledge of many other passages of the House touching that matter; unmeet to be questioned by any, much less by any member of the Higher House.”

Here again their first impulse was “to go to his Majesty and express their grief, because it seemed to be done *contra privilegio* ;” meaning (I suppose) that as a published book it must be held as authorized by the King. But being reminded that the Bishop was a member of the Upper House, they determined to make their complaint first to them; and it turned out, fortunately for the peace of the time, that he had no friends there; for after an exchange of one or two preliminary messages, it was answered in conference by Lord Cecil that he had been

<sup>1</sup> A Member of Parliament who had been arrested for debt, leading to a dispute regarding the authority of the House of Commons.

rebuked and made to own his fault and express his regret.

At the same time a more legitimate cause of remonstrance was given by a protest from the Convocation House against the pretensions of the House of Commons to "deal in any matters of religion;" accompanied with a threat that if the Bishops would not desist from conferring with them, "they would appeal to the King, who had given them authority to deal only in such matters." This protest, having been publicly read by a Bishop at a conference, put them upon searching for "precedents," — a search which is sure to end favorably to the stronger party, and would undoubtedly have raised a storm, had either the King or the Lords taken part with Convocation. As it was, a declaration from the Bishop of London that "they conceived the privilege of Parliament to stand upright" was accepted as sufficient.

All these incidental troubles must have been very annoying to the King, if only as delays and interruptions, though he had the prudence to keep personally clear of them; and there were other measures coming on, in which it was hardly possible to avoid a direct disagreement. He had settled the Church question to his own satisfaction at the Hampton Court Conference; and now the Commons were urging a large measure of reform, in the interest of the non-conforming clergy. He had taken order for the revocation of all monopolies which should appear to himself and Council prejudicial to the subject; and now they were preparing a large measure for the liberation of trade, aimed at the monopolies of the great companies. The discussion of the terms of the proposed composition for Wardship and Tenures led inevitably to inquiries into the true state of the Crown revenues, which was then reckoned one of the *arcana imperii*, — no fit subject for popular criticism.

Under these various trials, the scanty measure of pa-

tience with which he was endowed by nature had begun to fail, and the distastes against which he had hitherto been struggling, to reassert themselves, encouraged no doubt by the sympathy they were sure to meet with from the conservatism which prevails in all Upper Houses, whether temporal or spiritual; when this same Wardship and Tenure question, which had been opened under Bacon's management at the beginning of the session with fair words and prospects, came at last (30th May) to be discussed in a conference managed by Sir Edwin Sandys, and found the weather quite changed. Not that the Commons had changed their ground. What they desired was no more than the Lords had already in a general way and with seeming alacrity agreed to, namely, that they would join with them in a petition to the King for leave to treat; the particulars being to be arranged in conference. But they now discountenanced the proposition altogether; and besides answering the reasons urged by the Commons, went on to expostulate with them on the manner in which they had spent their time; all speaking in the same sense. *Senti ex composito rem geri*, said Sir E. Sandys in concluding his report. And to make matters worse, no sooner had the conference broken off on these unsatisfactory terms, than the King, by a coincidence which if undesigned was unlucky, desired the attendance of the whole House, that he might speak to them. And his speech, being (as we gather from what followed, for I find no report of it) a review of all their proceedings during the session in a tone of censure and dissatisfaction, had the usual effect of hurting their feelings and provoking them to reply, and "instantly to advise of such a form of satisfaction, either by writing or otherwise, as might in all humility inform his Majesty in the truth and clearness of the actions and intentions of the House from the beginning," — and so on.

A proceeding like this — entailing as it must a per

sonal controversy with the King on points to which he had thus publicly committed himself -- could not be expected to have a satisfactory result. But it would take time. Time would allow feelings to cool on both sides: and meanwhile they could give satisfaction of a more promising kind by making haste with what remained to be done. The Union Act, which had just been sent down from the Lords, had been read once. It was now read a second time, committed, reported, passed, and sent back to the Lords, by whom it was received with great applause, — all in a day: the day after the King's speech. And it was agreed at the same time that all further proceedings in the matter of Purveyors should be allowed to sleep till the next session. Measures which were not lost upon the King: as may be seen by the message which he sent to the House only three days after.

Mr. Speaker delivereth from the King a message of three parts:

The motives of his Majesty's unkindness:

Matter of his relation to us:

Of his princely satisfaction.

When he looked into the gravity and judgment of this House, and of the long continuance of the Parliament; so few matters of weight passed, and that matter of Privilege had taken much time (which, notwithstanding, he was as careful to preserve as we ourselves); he was moved with jealousy that there was not such proceeding as, in love, he expected. Thus the cause of unkindness.

That we should not think this declaration to us was any condemnation of our ingratitude or forgetfulness of him, but by way of commendation and admonition, as a father to his children; neither did he tax us, but only remember us of expedition, omitted and desired.

Lastly, that he is resolved, we have not denied anything which ought to be granted. That he had divers arguments of our good affections;

1. Our doubt of his displeasure.

2. Our desire to give him satisfaction; which he accepteth as a thing done, because desired by us.

3. He observeth the difference of our proceeding, since his speech unto us, with greater expedition in those things desired to be effected by him, than before: He giveth us thanks, and wisheth we would not trouble ourselves with giving him satisfaction.

And he giveth what time we desire for finishing the matters of importance depending.

In spite, however, of this message, which may be regarded as the King's Apology to the Commons, the committee appointed to prepare the threatened Apology of the Commons to the King went on diligently with their work; and at the end of a fortnight laid the result before the House, — a grave and important document, in which all their proceedings that had been found fault with were recapitulated and justified, point by point; and which, though not formally placed on record, remains to this day a notable landmark in the progress of constitutional liberty. The question was, what to do with it. I do not know that any exception was or could be taken to either the substance of it or the style. But seeing that the positions which it maintained were threatened only in words and by implication, that the Commons remained masters of the field in fact, that there was ~~no~~ pretense for a serious declaration of hostilities, and that the formal delivery of such an argument could have led to nothing but an angry altercation and a quarrel in the honey-moon, which would have been bad for all parties, those who wished to preserve harmony could not wish that it should be pressed further. Bacon was certainly among those who spoke against presenting it, though we have no account of what he said. And as the Journals contain no notice of the final resolution, we may conclude that it was in favor of letting the dispute rest; and that the document was not officially brought under the King's  
*lieu.*

Nevertheless, as it had been twice read in the House, we may be sure that he heard of it : and that unluckily at a time when he was endeavoring to digest a fresh disappointment. At the beginning of the session, hoping to please everybody and wishing to avoid everything that might cast a shadow over the general satisfaction, he had resolved that no demand should be made on his subjects for money ; and in this resolution he had persevered so constantly and so long that I have no doubt it was a true intention of his own. For full three months he had refrained both his tongue and his pen from all allusion to the subject, had not said so much as that he meant to say nothing, but maintained on all occasions a politic and dignified reserve which was very unusual with him. Now, however, that the prorogation was near at hand, it was represented to him by some who thought they understood the Lower House, that a session closing without any vote of supply would have a bad appearance, and be subject to unfavorable construction. Upon which it seems to have been arranged that, the Lords having or making occasion to confer with the Commons upon a Tonnage and Poundage Bill, the opportunity should be taken to give them some information about the financial condition of the kingdom, — with a hint that an offer of subsidy would not be unwelcome.

Simultaneously with this a motion was made in the House of Commons for a committee to consider of some sort of gratuity to be offered to the King. But whoever advised it, it was an unlucky motion. Though introduced by two of the most independent and popular members — Sir Francis Hastings and Sir Edward Hoby — in the interest of national honor, harmony, and reputation abroad, it was received so doubtfully that the King thought it best to avoid the risk of a refusal by making it his personal request — a request conveyed in a letter too transparent to allow a doubt of its sincerity — that they would not meddle any further in the question.

This of course was not the issue which had been tended or anticipated, and (coming upon him at the same time with rumors of the "Apology") proved more than he could comfortably digest. And though the Speaker, a lavish profession of affection, admiration, and loyalty made in the name of all the Commons,—together with liberal offer of all they had whenever it was wanted,—as much as words could do to make the parting pleasant the King could not bring himself to repay the flattery kind, but frankly told them exactly what he felt. And so Parliament was prorogued on the 7th of July, and they parted for the present, each with better means knowing what was to be expected of the other.

The King, having now had a taste of Bacon's disposition and abilities, was not long in marking his appreciation of them. On the 18th of August, 1604, he granted him by patent the office of Learned Counsel, which had hitherto held only by verbal warrant: and at the same time conferred on him a pension for life of £ For a man of Bacon's abilities and long service, it was not much; but it was a beginning; and it came at a time when he had a very good opportunity to show how well it was deserved. For the Commissioners for the Union were to meet in October, and his vacation's work was to prepare for the conference by taking a survey of all questions which would fall under consideration.

The first fruit of these studies and conferences was a concise but complete analysis of the whole subject, drawn up for the King's information: in which all the particular questions that would have to be dealt with—questions which it took a hundred years to adjust—were enumerated and explained. What use was made of it at the time, besides submitting it to the King, and to what extent it was circulated, I do not know.

In it the question of the style and name, which it had been thought too dangerous to alter by Act of Par-



ment, is recommended to be dealt with by Proclamation : and it is not impossible that a draft of a Proclamation for that purpose accompanied this paper. Such a draft Bacon did at any rate prepare, and a proclamation to this effect — probably founded upon it, though almost wholly re-written — was published on the 29th of October, the day on which the Commissioners for the Union were to meet. The kingdoms were thenceforth united in the King's style and title, without any contestation, difficulty, or inconvenience : and so remained.

The rest of the work was not so easily accomplished ; though it began with fairer auspices than could have been looked for. A council of forty-eight Englishmen and thirty-one Scotchmen, meeting on terms of perfect equality to make a bargain, — a bargain involving interests so vast and so various, — might have seemed to have no easy task before them : yet in less than six weeks they had come to an agreement all but unanimous ; and the work, so far as it depended upon them, was prosperously concluded.

The reputation which Bacon brought with him from the House of Commons, as the man in whose hands any business of delicacy or difficulty was always found to prosper best, would naturally give him great influence and authority in the Commission ; and the order of proceeding, to which the harmonious progress of their deliberations was probably in great part due, was probably in great part due to him. Twenty years after, in revising his Essay on Counsel, he referred to this Commission as an example of good order. " The counsels at this day in most places " (he says) " are but familiar meetings, where matters are rather talked on than debated. And they run too swift to the order or act of counsel. It were better that in causes of weight the matter were propounded one day, and not spoken to till the next day : *In nocte consultum*. So was it done in the Commission

for Union between England and Scotland ; which was grave and orderly assembly."

The charge of digesting the articles of the resolution into their ultimate form was intrusted (on the English side) to Bacon ; but the composition of the preamble prefatory introduction was undertaken by Cecil in conjunction with Lord Fivye. It appears, however, that Bacon had made provision for this part of the work although it had been wanted. For among the papers left by him and by himself thought worth preserving, is a draft precisely such a preface as was wanted for the occasion and whatever reasons there may have been (personal or other) for preferring the production of the two great officers of state, there can be no doubt that for the modern purpose of throwing light upon the meaning and history of the business, Bacon's is much to be preferred. It is indeed a page of history ready written, and makes unnecessary to offer in this place any further explanation of the results of the Commissioners' deliberations ; the disputed points in which will not fail to force themselves upon our notice at a later time.

This was first printed in Stephens's second collection (1784), from a copy with a few interlineations in Bacon's own hand, now in the British Museum : from which collection it is here taken.

THE MOST HUMBLE CERTIFICATE OR RETURN OF THE COMMISSIONERS OF ENGLAND AND SCOTLAND, AUTHORIZED TO TREAT OF AN UNION FOR THE WELL OF BOTH REALMS. 2 JAC. I. PREPARED, BUT ALTERED.<sup>1</sup>

We, the commissioners for England and Scotland respectively named and appointed, in all humbleness signify to his most excellent Majesty, and to the ma

<sup>1</sup> These words are inserted in Bacon's hand. In the left-hand corner, at top, is written in the same hand, "prepared not used."

honorable high Courts of Parliament of both realms, that we have assembled ourselves, consulted and treated according to the nature and limits of our commission; and forasmuch as we do find that hardly within the memory of all times, or within the compass of the universal world, there can be showed forth a fit example or precedent of the work we have in hand, concurring in all points material, we thought ourselves so much the more bound to resort to the infallible and original grounds of nature and common reason, and freeing ourselves from the leading or misleading of examples to insist and fix our considerations upon the individual business in hand, without wandering or discourses. It seemed therefore unto us a matter demonstrative by the light of reason, that we were in first place to begin with the remotion and abolition of all manner hostile, envious, or malign laws on either side, being in themselves mere temporary, and now by time become directly contrary to our present most happy estate: which laws, as they are already dead in force and vigor, so we thought fit now to wish them buried in oblivion; that by the utter extinguishment of the memory of discords past, we may avoid all seeds of relapse into discords to come. Secondly, as matter of nature not unlike the former, we entered into consideration of such liminary constitutions as served but for to obtain a form of justice between subjects under several monarchs, and did in the very grounds and motives of them presuppose incursions and intermixture of hostility: all which occasions, as they are in themselves now vanished and done away, so we wish the abolition and cessation thereof to be declared.<sup>1</sup> Thirdly, for so much as the principal degree to union is communion and participation of mutual commodities and benefits, it appeared to us to follow next in order, that the commerce between both nations be set open and free, so as the commodities and

<sup>1</sup> The words "as they" and the last clause are inserted in Bacon's hand.

provisions of either may pass and flow to and fro without any stops or obstructions into the veins of the whole body, for the better sustentation and comfort of all the parts; with caution, nevertheless, that the vital nourishment be not so drawn into one part as it may endanger a consumption and withering of the other. Fourthly, after the communion and participation by commerce, which can extend but to the transmission of such commodities as are movable, personal, and transitory, there succeeded naturally that other degree, that there be made a mutual endowment and donation of either realm towards other of the abilities and capacities to take and enjoy things which are permanent, real, and fixed; as namely freehold and inheritance, and the like; and that as well the internal and vital veins of blood be opened from interruption and obstruction in making pedigree and claiming by descent, as the external and elemental veins of passage and commerce; with reservation nevertheless unto the due time of such abilities and capacities only, as no power on earth can confer without time and education. And lastly, because the perfection of this blessed work consisted in the union, not only of the solid parts of the estate, but also in the spirit and sinews of the same, which are the laws and governments, which nevertheless are already perfectly united in the head, but require a further time to be united in the bulk and frame of the whole body; in contemplation hereof we did conceive that the first step thereunto was to provide that the justice of either realm should aid and assist, and not frustrate and interrupt, the justice of the other, specially in sundry cases criminal; so that either realm may not be abused by malefactors as a sanctuary or place of refuge to avoid the condign punishment of their crimes and offenses. All which several points,—as we account them, summed up and put together, but as a degree or middle term to the perfection of this blessed work,—so yet we

conceived them to make a just and fit period for our present consultation and proceeding. And for so much as concerneth the manner of our proceedings, we may truly make this attestation unto ourselves, that as the mark we shot at was union and unity, so it pleased God in the handling thereof to bless us with the spirit of unity, inasomuch as from our first sitting unto the breaking up of our assembly (a thing most rare, the circumstances of the cause and persons considered) there did not happen or intervene, neither in our debates or arguments, any manner altercation or strife of words, nor in our resolutions any variety or division of votes, but the whole passed with an unanimity and uniformity of consent; and yet so as we suppose there was never in any consultation greater plainness and liberty of speech, argument and debate, replying, contradicting, recalling anything spoken where cause was, expounding any matter ambiguous or mistaken, and all other points of free and friendly interlocution and conference, without cavillations, advantages, or overtakings: <sup>1</sup> a matter that we cannot ascribe to the skill or temper of our own carriage, but to the guiding and conducting of God's holy providence and will, the true author of all unity and agreement; neither did we, where the business required, rest so upon our own senses and opinions, but we did also aid and assist ourselves as well with the reverend opinion of Judges and persons of great science and authority in the laws, and also with the wisdom and experience of merchants, and men expert in commerce. In all which our proceedings notwithstanding, we are so far from pretending or aiming at any prejudication, either of his royal Majesty's sovereign and high wisdom, which we do most dutifully acknowledge to be able to pierce and penetrate far beyond the reach of our capaci-

<sup>1</sup> The words "used, permitted, or allowed," and not only so but in all having manner called for, provoked, wished, and required, which followed in the MS., are struck out.

ties, or of the solid and profound judgment of the high Courts of Parliament of both realms, as we do in all humbleness submit our judgments and doings to his sacred Majesty and to the Parliaments, protesting our sincerity, and craving gracious and benign construction and acceptance of our travails.

We therefore with one mind and consent have agreed and concluded that there be propounded and presented to his Majesty and the Parliament of both realms these articles and propositions following.

If this introduction had been adopted it would have required in one place, and I suppose in one place only, a slight correction.

The "unanimity and uniformity of consent" with which all the resolutions are said to have passed must of course be understood as referring to the conclusion of the whole business: not that there were no differences of opinion among the Commissioners, but that they all agreed in what was ultimately recommended to be done. And such was no doubt the result which Bacon anticipated from the tenor of the deliberations. The anticipation was not, however, destined to be strictly fulfilled. One of the English Commissioners, Sir Edward Hoby,—for some reason which he declined publicly to explain,—refused at the last to subscribe his name to the Instrument. The solitary exception, however, rather illustrates than throws doubt upon the substantial accuracy of the report: which, after all due correction has been made, remains a notable record of a piece of business very effectually and prosperously dispatched. The history of its progress through Parliament will be a very different one, but belongs to a later time. Parliament was to have met in February, and the consideration of the measures recommended by the Commissioners was expected to be its principal business. Apprehensions of a return of the Plague, of which

some premonitory symptoms showed themselves in many parts of the country before Christmas, induced a further prorogation till the autumn: at which time the Gunpowder Plot came in the way and supplied business enough for the succeeding session: so that it was not till the winter of 1606 that the Instrument of the Union came under consideration. The prorogation till autumn left Bacon with the best part of a year comparatively free from business, and available for the prosecution of the great literary work which I suppose him to have been so anxious at this time not only to go on with, but to bring before the world as soon as possible: and of which the progress must have been much interrupted, if not completely suspended, by the heavy business which the last Parliament threw upon him. For the next ten months we have very little news of him. What there is shall begin a new chapter.



## CHAPTER IV.

A. D. 1605-1607. *ÆTAT.* 45-46.

THE importance of the part which had fallen to Bacon in the business of the last session, and that not through official patronage or private favor, but merely from experience of his ability and the necessities of the time calling for help, — followed as it was by such happy success in his latest service, — might have seemed to promise a speedy rise in his fortunes, had no opportunity occurred of making the promise good. But it so happened that on the 28th of October, 1604 (the day after the first meeting of the Commissioners for the Union), the Solicitor General was made Chief Baron of the Exchequer, thereby vacating the very place to which a man in Bacon's position would naturally and reasonably aspire. It was given, however, on the same day to Sergeant Doderidge; a lawyer of good reputation, but no further conspicuous than as holding the office of Sergeant to the Prince of Wales. And the neglect of so fair an opportunity to raise Bacon looked almost like an intention to leave him below. I do not find traces, however, either of any application from him at the time for the place, or any complaint of having been passed over.<sup>1</sup> And the truth perhaps is that (as he had formerly said that "he could not expect that Coke

<sup>1</sup> Unless the following expression, in a letter to the Lord Chancellor two years after, be taken to include an allusion to this appointment: "Otherwise for mine own private comfort it were better that . . . I should turn my course to endeavor to serve in some other kind, than for me to stand thus at a stop; and to have that little reputation which by my industry I gather to be scattered and taken away by continual disgraces, every new man coming above me."

and himself should ever serve as Attorney and Solicitor together" <sup>1</sup>) he really felt the relation which subsisted between them to be a valid objection to his appointment, and would not himself have asked for or recommended it.

However that may be, the experience of the past year proved that, whether the King or Cecil or Coke wanted his help or not, his country had work for him to do; and that he must not reckon upon having his time to himself, but, if he meant to reform philosophy, must make the most of all intervals of leisure. The present interval — the longest and least interrupted which he was destined to enjoy for many years — came very seasonably to enable him to finish the "Advancement of Learning:" which with due allowance made for time consumed in the duties of courtship and the other business which a treaty of marriage with an alderman's daughter would naturally involve, supplied work enough for nine or ten months.

The "two books of the Proficiency and Advancement of Learning, divine and human," were published in a single volume. But an examination of the signatures of the sheets shows that the first book must have been printed off before the second was sent to the press: from which I infer that some considerable interval occurred in the composition of them. And it seems very probable, as I have already intimated, that the first book, which, though less important in its argument than the other, is very full and elaborate in composition, was written in 1693, when he expected an abundance of leisure for such work; and that the second, which has many marks of haste both in the writing and the printing, and is in several parts professedly unfinished, was hurried through in 1695; when he foresaw that his times of leisure were not likely to come often or last long. I speak of course only of the composition, — the arrangement of the matter, the wording, and the putting into shape, — for the matter itself

<sup>1</sup> See above, p. 345

was the accumulation of his life, and many portions of it had been already digested, no doubt, in notes and essays.

The appearance of such a book by such a man was not likely in those days to make so much talk in the world as it would now; though the publication of "Sir F. Bacon's new book on Learning" was not forgotten by Chamberlain in reporting to Carleton the news of London on the 7th of November, 1605. But its appearance happened to coincide with an event which at any time would have drawn public attention away from everything else.

In sending a copy to Toby Matthew, who had left England about the end of April, and was now in Italy, Bacon inclosed a "relation," which was apparently a short account drawn up by himself of the discovery of the Gunpowder Plot. But as I have not been able to find any paper answering the description, and Bacon does not appear to have had any part in either the investigation of the conspiracy or the trials of the conspirators, and as the general history of it is sufficiently notorious, it will not be necessary for me to go further into the particulars.

The letter which inclosed the lost "relation" comes from Matthew's collection, and has the following heading: "Mr. Bacon to a friend and servant of his; by way of advertisement concerning some books and writings of his own." It has no date, and the title "Mr." would suggest a wrong one. But the matters alluded to prove that to be an error, and point clearly enough to the early part of November, 1605, as the time when it must have been written. And I suppose there is no reason to doubt that the "friend and servant" was Matthew himself.

#### TO MR. MATTHEW.

SIR,—I perceive you have some time when you can be content to think of your friends: from whom since you have borrowed yourself, you do well, not paying the

principal, to send the interest at six montha day. The relation which here I send you inclosed carries the truth of that which is public; and though my little leisure might have required a briefer, yet the matter would have endured and asked a larger.

I have now at last taught that child to go, at the swaddling whereof you were. My work touching the *Proficiency and Advancement of Learning* I have put into two books; whereof the former, which you saw, I count but as a Page to the latter. I have now published them both; whereof I thought it a small adventure to send you a copy, who have more right to it than any man, except Bishop Andrews, who was my inquisitor.

The death of the late great Judge concerned not me, because the other was not removed. I write this in answer to your good wishes; which I return not as flowers of Florence, but as you mean them; whom I conceive place cannot alter, no more than time shall me, except it be to the better.

Dr. Launcelot Andrewes, who had been Dean of Westminster since 4th July, 1601, was made Bishop of Chichester on the 3d of November, 1605. He was a friend of Bacon's student-days, being then preacher at St. Giles's; and a man whom throughout his life he held in special reverence. The nature of the inquisitorial office which he performed for the "*Advancement of Learning*" may be partly inferred from a letter of later date asking him to perform a similar office for the "*Cogitata et Visa*." "Now let me tell you" (Bacon writes) "what my desire is: If your Lordship be so good now as when you were the good Dean of Westminster, my request to you is that not by piques, but by notes, you would mark unto me whatsoever shall seem unto you either not current in the stile, or harsh to credit or opinion, or inconvenient for the person of the writer; for no man can be judge

and party; and when our minds judge by reflexion on ourselves they are more subject to error. And though for the matter itself, my judgment be in some things fixed, and not accessible by any man's judgment that goeth not my way, yet even in those things the admonition of a friend may make me express myself diversely." He had consulted him, no doubt, upon the "Advancement of Learning" in the same way, when he was "the good Dean of Westminster;" and sent him a presentation-copy shortly after he became Bishop of Chichester.

The light allusion to the "death of the late great Judge" as not concerning him because "the other" was not removed (in which I strongly suspect that the names have been suppressed by the editor) covers a fact which did really concern Bacon a good deal. In August, 1605, Sir Edmund Anderson, Chief Justice of the Common Pleas, died. It was another opportunity for advancing Bacon, had the authorities wished to do it. If Coke had been promoted to the Common Pleas, and Doderidge succeeded him as Attorney, Bacon might have been made Solicitor. But Coke kept his place; Sir Francis Gawdy, one of the puisne Judges of King's Bench, succeeded Anderson; and Bacon remained where he was. In this case, as in the last, we hear of no application and no complaint; but unless there was some better reason against the arrangement than we know of, he could not but feel it as a discouragement.

Parliament met on the 5th of November, according to the summons. The Commons, having read a few bills, and talked a little about the great deliverance, adjourned till the 9th, when they heard the King's account of the discovery of the plot, and were again adjourned to the 21st of January. Meditation upon the danger which the kingdom had so narrowly escaped had put them into a humor of great severity against the Papists, and warm

personal affection for the King; and though the grievances which had been left unsettled in the last session were still to be dealt with, and not even allowed to sleep through this, they felt the danger of urging them so as to risk a rupture. Measures for security and for demonstration of internal harmony took precedence, leaving the questions upon which the two Houses could not agree in such a position that they could be postponed without obstructing the general business of government. An Act for public thanksgiving every year on the 5th of November passed at once and unanimously. A very unconstitutional motion for making a special retrospective law for the trial and punishment of the "miners" was opposed by the new Solicitor General, now the principal representative of the Government in the Lower House, and negatived by the good sense of the majority. Measures "for the timely and severe proceeding against Jesuits, Seminaries, and other Popish Agents and Practicers, and for the preventing and suppressing of their plots and practices," — which was their first care, — took more time, and led to many conferences, but met with no opposition. The appointment of a committee "to consider of the fittest course to provide for the general planting of a Learned Ministry, and for the meeting with non-residence in ministers already placed," passed without remonstrance. Upon the question of Purveyance, in which a smooth passage could hardly be hoped for, they resolved to proceed not by conference or petition, but by bill: a course which had the effect of postponing the critical period of the discussion; while, at the same time, they showed no disposition to keep back the question of supply, and make it wait upon the question of Grievances (though they intended that the two should go on together); but as early as the 10th of February agreed to grant a double subsidy — with the full assent of all the independent members who spoke, and without any

dispute, except upon the question (if I understand it correctly) whether the proposal should be referred to a committee in the regular way, or passed at once. "The Commons of the Lower House," writes the Earl of Shrowsbury, on the 12th, "are much more temperate than they were at the first session; and now spend all their spirits and endeavors in devising laws tending to his Majesty's safety, and suppressing of the dangerous members of the state. I heard not any one transcendent speech uttered there as yet." It seemed, therefore, that the attempt to overthrow Protestantism had only issued in a suspension of those disputes and jealousies between the Commons and the Crown in which its chief weakness and danger lay.

Bacon, though his name appears as usual in all the principal committees, and though he was occasionally employed to bring up a report or assist in managing a conference, does not appear to have taken a prominent part in the proceedings during this session. The Solicitor, the Recorder, the Attorney of the Wards, and the second Secretary of State, were all of the House; and in ordinary circumstances the leading part would naturally fall to one or other of them. Nor did any difficulties arise, important enough to induce a departure from the ordinary course. In the matter of Papists and recusants, the zeal of all parties on the side of severity needed no enforcing, and a voice in favor of gentler measures would not easily have obtained a hearing. In granting liberal supplies without standing upon terms of bargain, the principal popular members concurred with the majority; and the few murmurs of dissent which were heard during the heat of the later debates might be safely left to be answered by the general vote on the question; and would be disposed of in that way more effectually than by argument. The question of the Union of the Kingdoms was postponed by common consent to the next



session. With regard to grievances in general, Bacon approved of the course which the House was pursuing : which was, first to hear the counsel of parties interested, and then to proceed by way of petition to the King. And if in the particular grievance of Purveyance — which was to be dealt with by a Bill and was in hot hands — there was danger of their going faster and further than seemed prudent, a sufficient remedy would be found in the obstructive power of the Upper House, which encountered the shock, and could count on the help of Sir Edward Coke in criticising the legal bearings of the law they proposed to pass.

Of the part which he did take, something may be learned from a careful study of the notes in the Commons' Journals (though they are rather more fragmentary than usual) ; but it would not be possible to present it in a narrative at once simple and intelligible ; nor would such a narrative throw any additional light on his character or opinions. He was not called upon either to support or to prevent any questionable transaction ; and the general result of the session must have been satisfactory to him ; for the prevalent feeling of the House towards the King was one of affectionate loyalty, and though they were careful to keep the Subsidy Bill in their own hands until they had presented the petition of Grievances, yet immediately upon hearing from Bacon (who had been appointed to "read them to the King") a report of his answer, which appears to have been in effect only an assurance that their complaints should be favorably considered and attended to, they sent it up to the House of Lords, being a grant of three subsidies and six fifteenths and tenths, — the largest, I believe, that had ever been voted in one session in a time of peace, — in a manner which implied, and was probably meant to demonstrate, the reverse of dissatisfaction. "The Bill of Subsidy of the Temporality," says the Journal of the

15th May, 1606, "sent up by Mr. Secretary Herbert, with the whole House attending him, not one man left but Speaker, Clerk, Sergeant. Never seen before."

In a letter to Salisbury, written apparently the 27th of March, 1606, Bacon says, "I cannot as I would express how much I think myself bounden to your Lordship for your tenderness over my contentment." It would seem, therefore, that at that time Salisbury had been showing some interest in Bacon's fortunes. And though we do not know precisely either what he had promised, or how much his promises meant, there is reason to believe that he had favored a proposed arrangement by which Bacon might have been advanced at last to the Solicitorship. Sir Henry Neville, writing to Winwood on the 11th of March in that year, says, "We are in some expectation of a creation of four Barons: viz. the Lord Chief Justice, Mr. Attorney, *who is designed Chief Justice in Claudio's room*, Sir John Fortescue, and Sir Thomas Knevet," etc. The words which I have printed in *italic* are conclusive of the fact that a rumor to that effect was in circulation at that time; and as the same rumor is distinctly alluded to in the following letter, we need not hesitate to date it within a few days before or after the 11th of March; nor is there much room for doubt that Salisbury's demonstration of "tenderness over Bacon's contentment" was subsequent to and consequent upon this letter. For if anything of the kind had passed between them before, it would have been impossible to avoid some reference to it on such an occasion.

This letter was first printed in the "Remains" (1648) with this heading: "A Letter to the Earl of Salisbury touching the Solicitor's place, at what time he stood but in doubtful terms of favor with his Lordship." Although not to be found in the "Resuscitator," it appears to have been contained in Bacon's own collection, and is here taken from the copy in the British Museum, which

differs from the other in one or two places, and is evidently more correct.

TO THE EARL OF SALISBURY.

IT MAY PLEASE YOUR LORDSHIP, — I am not privy to myself of any such ill deserving towards your Lordship, as that I should think it an impudent thing to be suitor for your favor in a reasonable matter, your Lordship being to me as (with your good favor) you cannot cease to be, but rather it were a simple and arrogant part in me to forbear it. It is thought Mr. Attorney shall be Chief Justice of the Common Pleas. In case Mr. Solicitor rise, I would be glad now at last to be Solicitor, chiefly because I think it will increase my practice, wherein God blessing me a few years, I may amend my state, and so after fall to my studies and ease, whereof one is requisite for my body, and the other sorteth with my mind. Herein if I may find your Lordship's favor, I shall be more happy than I have been, which may make me also more wise. I have small store of means about the King, and to sue myself is not so fit. And therefore I shall leave it to God, his Majesty, and your Lordship. For if I must still be next the door, I thank God in these transitory things I am well resolved. So beseeching your Lordship not to think this letter the less humble, because it is plain, I remain,

At your Lps. service very humbly,  
FR. BACON.

The week before and the fortnight after the 11th of March was a period of some anxiety for the Government — the Lower House having been engaged all the time in warm debates, first, on the Purveyance Bill and afterwards on the question of a third subsidy, — the report of the Committee on the other two subsidies not having yet been brought in, — and the collection of general

Grievances being diligently proceeded with meanwhile. It was a time in which Bacon's help in the House, where the representatives of the Government were not otherwise strong, could not be conveniently dispensed with. And though I do not find that any of his former disappointments and discouragements had on any occasion either altered his course or shaken his industry, it was not a time when Salisbury would have thought it prudent to neglect him, or hesitated to hazard words of promise. Nor have I any reason to doubt in this case the sincerity of his professions. The position in which a man like Bacon was still left, at the age of forty-six, while his cousin (though always friendly "*secundum exteriorem*") had been in a position of such high influence for seven or eight years, makes it hard to believe that he had been really anxious to advance him in the service of the Crown. But the fact that on this occasion nothing followed the promises of favor, which (it seems) were his answer to the foregoing letter, may be sufficiently accounted for by the fact that the arrangement talked of was not carried into effect; and we do not know where or with whom the obstruction lay. All we know is that Gawdy, Coke, and Doderidge all kept their places, and Bacon still remained "next the door."

In his private affairs, however, Salisbury had not been wanting (as we have already seen<sup>1</sup>) in giving Bacon substantial help; and we know on Bacon's own authority that he had done something for him, — though we are not told exactly what it was, — in furtherance of an important domestic enterprise which was successfully accomplished in the middle of this very session.

Marriages in those days were treated more openly as matters of business than they are now. Fathers proposed to fathers; and when the father was dead, great men were called in to countenance and recommend the

<sup>1</sup> See p. 416

sutor. It is true that in the Order of the Helmet, instituted by the Prince of Purpoole in 1594,<sup>1</sup> this practice was strictly forbidden. "*Item*. No Knight of this Order shall procure any letters from his Highness to any widow or maid, for his enablement or commendation to be advanced in marriage; but all prerogative, wooing set apart, shall for ever cease as to any of these Knights, and shall be left to the common laws of this land, declared by the Statute, *Quia electiones liberæ esse debent*." But in a satire on the fashions of the time, the prohibition of a practice is proof of its prevalence. What obstructions Bacon met with on his way to matrimony, we do not know. But they would probably be such as a man who had the key of so many good places as Salisbury had, might well help to smooth.

The lady was no doubt the same to whom he had alluded in 1603, — "an alderman's daughter," "an handsome maiden," and "to his liking." Alderman Barnham, her father, had been dead for fifteen years or more. Her mother, by a second marriage, had been Lady Puckington since November, 1598, a "little violent lady," according to Chamberlain. She herself was co-heir to her father with three sisters; and her name was Alice; which is nearly all we know about her; unless a remark referring to a much later time, and recorded more than twenty years after, be thought to imply that which if true in 1620 must have been true also in 1606, namely, that she inherited some portion of her mother's weakness in the government of the unruly member. "One asked" (writes Dr. Rawley in his commonplace book) "how my La. Darby came to make so good use of her time whilst her husband<sup>2</sup> was Chancellor, and my La. St. Alban's made so little. The other answered, because my La. Darby's wit lay backward, and my La. St. Alban's lay forward: viz. in her tongue."

<sup>1</sup> See p. 142.<sup>2</sup> Lord Ellesmere.

The date of Bacon's marriage was not known, nor was there anything to be found in any printed book (so far as I am aware) by which it could be fixed within less than a year, until the appearance of Mrs. Everett Green's *Calendar of State Papers*; from which it appeared that there was a letter there from Dudley Carleton to John Chamberlain, mentioning the marriage as fresh news on the 11th of May, 1606. It had in fact taken place the day before, and in a very busy time; the Lower House having just passed the Subsidy Bill, and being that very day engaged in passing the second Purveyance Act and in arranging a fresh conference with the Lords about the Recusants. As we know no particulars from any other source (for I do not gather from Mr. Dixon's story that he had any independent information), Carleton shall give the news in his own words:—

"Sir Francis Bacon was married yesterday to his young wench in Maribone Chapel. He was clad from top to toe in purple, and both made himself and his wife such store of fine raiments of cloth of silver and gold that it draws deep into her portion. The dinner was kept at his father-in-law Sir John Packington's lodging over against the Savoy, where his chief guests were the three knights, Cope, Hicks,<sup>1</sup> and Beeston; and upon this conceit (as he said himself) that since he could not have my L. of Salisbury in person, which he wished, he would have him at least in his representative body."

When the domestic relations of a man so conspicuous as Baron attract no notice, it may be inferred that they are peaceable and quiet; and twenty years of married life in which the gossips and scandal-mongers of the time

<sup>1</sup> Sir Michael, no doubt; whom we know one of Salisbury's secretaries, not Sir Baptist, as Mr. Dix calls him. Sir Walter Cope and Sir Hugh Beeston had also been long in the confidential employment of Salisbury. (See Chamberlain's letters *Land Soc.*, p. 161.) All three were Members of Parliament. It is scarcely worth while to enquire on what ground Mr. Dixon describes them as "hard drinkers and men about town." It is probably a mere development of the fact that he knew them to have been once the chief guests at a wedding dinner, and knew no more.

found nothing to talk about have a right to remain exempt from intrusion. In outward circumstances it appears to have been a very suitable match: the wife's fortune being a little less than the annual value of the husband's inherited estate, and her social rank a little lower, but not much. Taking his position and prospects into account, it was certainly a good match for her, nor was it a bad one for him. And I do not know why it should not be allowed to pass with as little remark now as it did then, or as any similar match would do in the present day.

No change was made among the Law Officers during the session of Parliament. But shortly after the prorogation, Sir Francis Gawdy died; and on the 29th of June Coke succeeded him as Chief Justice of the Common Pleas, — thenceforward to be no longer the champion of Prerogative in its encounters with Parliaments and Judges, but the champion of the Bench in its encounters with Prerogative and Privilege.

A new Attorney General had now to be chosen. The right of the Solicitor General to the refusal of the office was not yet established by custom. Since 1461, of twenty-three Solicitors only nine had become Attorneys. And though it is true that three cases in succession had occurred in the last years of Elizabeth; and Fleming might possibly have made a fourth, had he not been removed by promotion before a vacancy occurred; yet the long delays and disputes in the appointment of Coke himself (who was the last of the three), are a sufficient proof that the custom was not then settled. It did not follow therefore that "Mr. Solicitor would rise;" and if he did not (since he still, I believe, held his office *quandiu se bene gesserit*), he could not be compelled to vacate it. And here it must be owned that the sincerity of Salisbury's professed desire to rouse Bacon falls under just suspicion. At any rate there was another man in whose



behalf the same desire worked more effectually. When the Attorney of the Court of Wards (of which Salisbury was Master) died, the King had left to him the choice of a successor, and he chose Sir Henry Hobart. Now that an Attorney General had to be chosen — whether it were that Doderidge had been found on trial to be inefficient, or that Hobart was more particularly suited to his own tastes and purposes — so it was that Doderidge remained Solicitor, and within a week after Coke's promotion, Hobart became Attorney; Bacon being still left outside.

It is true that another arrangement was in contemplation, by which this would have been avoided. It appears to have been the wish and the intention, certainly of the Lord Chancellor, probably of the King, and possibly of Salisbury himself, to make way for Bacon's advancement by promoting Doderidge to the office of King's Serjeant, — an office of higher dignity, — and so vacating the Solicitorship. Why this was not done, we do not know. It may be (as Mr. Gardner has suggested) that it was thought necessary to wait for a vacancy among the King's serjeants; though it appears from the account of the office in Cowell's "*Interpreter*," a contemporary work, that the number of them was not limited. But at any rate it was not done; and Bacon thought it time at last to come to some distinct understanding as to his own prospects. He had had fair words enough, and upon them he had rested patiently until fair opportunities turned up of giving them effect. But a fairer opportunity than the present was not likely to come again; and it was fit he should know, with a view to the ordering of his own life and labors, whether he might reasonably expect to advance any further in his present career. He wrote, therefore, to the King, to the Lord Chancellor, and to Salisbury, reminding them of his position and his claims to the Solicitorship.

What answer he received to these letters, or what was

thought of them, we do not know. We know only that the proposed arrangement did not go forward at that time, and that he continued as he was for half a year longer; when he appears at last to have received a distinct *promise* of promotion to the Solicitorship whenever Dodderidge should be removed.

About this time he lost a private friend, for whom he appears to have had a great regard, — Jeremiah Bettendham, a Reader of Gray's Inn. We hear of it by mere accident; for having been appointed one of the executors, and had occasion to write a letter to Sir Thomas Hobby, upon whom it seems that the estate had some claim, the distinction of his own name has had virtue to preserve the letter; which being some years since carried by the chances of time into the possession of the late Mr. Pickering (publisher of Mr. Montagu's edition of Bacon's works), he very kindly, when he heard what I was about, showed it to me and allowed me to take a copy for insertion in this collection. The original, which is all in Bacon's own hand, has been sold, I believe, since I saw it; and in whose possession it now remains I do not know. It is printed here from my own copy; but as it was a copy taken by myself and collated with the original by Mr. Pickering and myself together, it may be depended upon for accuracy as much as any other in the book.

It is the more valuable as belonging to a class of letters which would not in ordinary cases be kept, and of which therefore we have few specimens. And it is one of those which are of great use to a biographer, as helping him to form a notion of the ordinary manners and familiar behavior of the man in his private relations; of which as it is impossible to endeavor to follow a man closely through his life without making some kind of picture to one's self, it is of no small importance that the picture shall be something like the original.

"Like men, like manners: like breeds like, they say.  
 Kind nature = the best: those manners neat  
 That fit us like a nature, second hand—  
 Which are indeed the manners of the great."

Judging from this and other letters of the same kind that have come down to us, I imagine Bacon's manners to have been "the best."

TO THE RIGHT WORSHIPFUL HIS VERY LOVING COUSIN,  
 SIR THOMAS POST. HOBBY.<sup>1</sup>

GOOD COUSIN, — No man knoweth better than yourself what part I bear in grief for Mr. Bettenham's departure. For in good faith I never thought myself at better liberty than when he and I were by ourselves together. His end was Christian and comfortable, in partite memory and in partite charity, and the disposition of that he left wise, just, and charitable.

For your bonds or bills, I take it they be three, amounting to about nine score pounds; I left them with Mr. Peccam, because of your nearness to me. But I shall be able and will undertake to satisfy your desire that you may take time till Allhallow tide. But then we shall need it, lest we subject ourselves to importunity and clamor. Your privy seal is forthcoming; but no money was by Mr. Bettenham by it received; and if the conduit run, we will come with our pitcher, as you write.

Your loving congratulation for my doubled life, as you call it, I thank you for. No man may better conceive the joys of a good wife than yourself, with whom I dare not compare. But I thank God I have not taken a thorn out of my foot to put it into my side. For as my state is somewhat amended, so I have no other circumstance of complaint. But herein we will dilate when we meet; which meeting will be much more joyful if my Lady

<sup>1</sup> Youngest son of Bacon's aunt Elizabeth (now Lady Russell) by her first marriage.

bear a part to mend the music: to whom I pray let me in all kindness be commended. And so I rest

Yours assured,

FR. BACON.

This 4th of August, 1606.

Sir Thomas, I suppose, had borrowed money of Mr. Bettenham upon bond, and delivered to him as part of the security his privy seal, that is, his claim upon the Exchequer for money lent to the King. If "the conduit ran," that is, if repayment of such loans was obtainable, the executors would apply it towards the liquidation of the debt.

Bacon afterwards erected a memorial to his friend; a seat under the elms, where they had been used to walk and talk together.

"There was still standing in 1774," says Pearce in his "History of the Inns of Court," "an octagonal seat covered with a roof, within the circle of trees on the west side of Gray's Inn Gardens, with the following inscription:—

Franciscus Bacon,  
Regis Solicitor generalis,  
Executor testamenti Jeremias Bettenham,  
nuper Lectoris hujus hospitii,  
viri innocentis, abstinentis, et contemplativi,  
hanc sedem in memoriam ejusdem Jeremias  
extruxit. An. Dom. 1609."

The inscription is given in Seward's "Anecdotes of Distinguished Persons," vol. iv., p. 332, but not in the lapidary form, and I am not aware that the original shape has been preserved. It is a pity that somebody did not think of taking a sketch of the octagonal seat before it was removed.

Bacon's temperate estimate of the result of his recent "experiment solitary" touching matrimony, I take

rather as evidence that "his wisdom likewise remained with him," than that the experiment had been unsuccessful, so far.

I am not aware of any other writing of his that seems to belong to the summer vacation of 1606 (in which much time would probably be spent in preparations for the debates on the Union that were to be the special business of the coming session, and his leisure would be sufficiently occupied with his "*Experientia Laterata*" and "*Interpretatio Naturæ*," a work which he had announced as in progress), unless it be a letter to Dr. Playfere about the translation into Latin of the "*Advancement of Learning*." The letter has no date; nor is the date of much consequence; but it was certainly written "some while" after November, 1605, when the book was published, and certainly *not* after July, 1608; and August or September, 1606, being as likely a date as any, I will place it here.

Dr. Playfere was Margaret Professor of Divinity at Cambridge, and a distinguished preacher and Latinist; and if it be remembered that in those days all scholars could read Latin, and few except Englishmen could read English, the letter (which was preserved by Bacon himself in his Register-book, and first printed in the "*Resuscitatio*") may be left to speak for itself without further introduction.

A LETTER OF REQUEST TO DR. PLAYFERE, TO TRANSLATE THE "*ADVANCEMENT OF LEARNING*" INTO LATIN.

MR. DOCTOR PLAYFERE, — A great desire will take a small occasion to hope and put in trial that which is desired. It pleased you a good while since to express unto me the good liking which you conceived of my book of the *Advancement of Learning*; and that more significantly (as it seemed to me) than out of courtesy or civil respect. Myself, as I then took contentment in your ap-

probation thereof so I should esteem and acknowledge not only my contentment increased, but my labors advanced, if I might obtain your help in that nature which I desire. Wherein, before I set down in plain terms my request unto you, I will open myself what it was which I chiefly sought and propounded to myself in that work ; that you may perceive that which I now desire to be pursuant thereupon. If I do not err (for any judgment that a man maketh of his own doings had need be spoken with a *Se nunquam fallit iniquus*), I have this opinion, that if I had sought my own commendation, it had been a much fitter course for me to have done as gardeners use to do, by taking their seeds and slips, and rearing them first into plants, and so uttering them in pots, when they are in flower, and in their best state. But for as much as my end was merit of the state of learning to my power, and not glory ; and because my purpose was rather to excite other men's wits than to magnify my own ; I was desirous to prevent the incertainties of my own life and times, by uttering rather seeds than plants : nay and further (as the proverb is) by sowing with the basket, than with the hand. Wherefore, since I have only taken upon me to ring a bell to call other wits together (which is the meanest office), it cannot but be convenient to my desire, to have that bell heard as far as can be. And since that they are but sparks, which can work but upon matter prepared, I have the more reason to wish that those sparks may fly abroad, that they may the better find and light upon those minds and spirits which are apt to be kindled. And therefore the privateness of the Language considered wherein it is written, excluding so many readers, (as, on the other side, the obscurity of the argument in many parts of it excludeth many others), I must account it a second birth of that work, if it might be translated into Latin, without manifest loss of the sense and matter. For this purpose I

could not represent to myself any man into whose hand I do more earnestly desire that work should fall than yourself; for by that I have heard and read, I know not man a greater master in commanding words to serve a matter. Nevertheless, I am not ignorant of the worth of your labors, whether such as your place and profession imposeth on you, or such as your own virtue may, upon your voluntary election, take in hand. But I can lay before you no other persuasions than either the work itself may affect you with, or the honor of his Majesty, to whom it is dedicated, or your particular inclination to myself; who, as I never took so much comfort in any labors of my own, so I shall never acknowledge myself more obliged in any thing to the labor of another, than in that which shall assist this. Which your labor if I can by my place, profession, means, friends, travel, word or deed, requite unto you, I shall esteem myself so straitly bound thereunto, as I shall be ever most ready both to take and seek occasions of thankfulness. So leaving nevertheless *salva amicitia* (as reason is) to your own good liking, I remain.

Dr. Playfere appears to have undertaken the task with alacrity. But nothing came of it; whether because his way of doing it did not suit Bacon's taste, or because of his own failing health, is uncertain. Tenison, who has means of knowing through Dr. Rawley, gives the following account of the matter. "The Doctor was willing to serve so excellent a person and so worthy a design; and within a while sent him a specimen of a Latin translation. But men generally come short of themselves when they strive to outdo themselves. They put a force upon their natural genius, and in straining of it crack and disable it. And so it seems it happened to that worthy and elegant man. Upon this great occasion he would be over-accurate; and he sent a specimen of such superfir-



Latinity, that the Lord Bacon did not encourage him to labor further in that work, in the penning of which he desired not so much neat and polite, as clear, masculine, and apt expression."

On the other hand there is a memorandum in the "Commentarius Solutus," dated 25th July, 1608, — "Proceeding with the translation of my book of Advancement of Learning: hearkening to some other, if *Playfere should fail*," — which proves that at that time Dr. Playfere was still engaged upon the translation, though Bacon had begun to doubt whether he would get it done. And as he died only half a year after, at the age of 47; and I gather from Fuller's short notice of him among the worthies of Kent, that during the last year or two he was not the man he had been; it seems probable that the apprehension of failure was suggested by the state of his health or faculties, and the failure caused by his death.

Parliament met again, according to appointment, on the 18th of November; and the Commons, having heard the King's speech and received a written answer to their petition of Grievances — an answer quite in accordance with the King's previous promise, and in which if there was anything unconstitutional, all the recognized constitutional authorities (Coke included) were as much implicated as the King — addressed themselves at once to the business of the Union.

The "Instrument of Union" (agreed upon by the Commissioners in December, 1604) having been laid before the House and read, the question was how to proceed. Bacon was for proceeding by conference between the two Houses.

But the immediate resolution of the House was not exactly in accordance with this recommendation. They resolved not only to distribute the subject into branches, but to divide the branches between the two Houses; pro-

posing to leave matters concerning Naturalization at the Borders to the Lords, and reserve to themselves matters concerning Commerce and Hostility. This proposal being however declined by the Lords, and on reconsideration immediately withdrawn, the ultimate conclusion was according to Bacon's suggestion. The two Houses were to meet and confer upon the whole question; and for this conference the former Committee, with some new members added, was instructed (29th November) to prepare.

The Committee began with the hostile laws; in which they met with no material difficulty, until they came across the point of *Escuage*; which being "a kind of Knight's service, called service of the shield, whereby the tenant holding was bound to follow his Lord into the Scottish or Welsh wars at his own charge," — a question was raised whether this should not now cease; no such wars being any longer possible. The difficulty, I suppose, lay in this: that *Escuage* was one of "the flower of the Crown," closely allied to Wardship, and did actually perhaps give a right of wardship in the case of such tenants; and it was considerable enough to suggest the expediency of a special conference upon it with the Lord. What part Bacon had taken on it in the Committee the notes in the Journals are not full enough to explain; but the House had so much confidence in him as a representative, that he was selected, along with the Attorney, the Solicitor, and the Recorder, "to propound and maintain argument at the Conference," and though he asked to be excused, as being unprepared, he was nevertheless ordered to stand. In the mean time, however, another division of the Committee had been discussing the article of Commerce, which presented more formidable difficulties; and had not been able to come to any conclusion. On this point their reporter declared (9th December) that he had "nothing to report but confusion and disorder." At

subsequent conference on the subject with the Lords (17th December), some sharp speeches passed, and the merchants of London having set down in writing their reasons against community of trade with the Scots, "were roundly shaken up by the Lord Chancellor." And as it was now close upon Christmas, the Houses were adjourned on the 18th, and further proceeding postponed till after the recess.

Time, which is the best medicine for some kinds of discontent, aggravates others by giving the discontented more opportunities of talking them over and knowing one another's minds. And when the House met again on the 10th of February, these minor arrangements, bearing upon the relations of two separate nations under the same crown, were set aside for awhile to make room for a protest against the project for making those two nations one; towards which the first step was a general naturalization.

The Commissioners of Union appointed in 1604 had agreed to recommend the passing of two acts: one for the Post-nati, the other for the Ante-nati. For the Post-nati, an act *declaring* "that all the subjects of both the realms born *since* the decease of Elizabeth . . . and that shall be born hereafter . . . are by the common law of both realms, and shall be for ever, enabled to obtain, succeed, inherit, and possess all lands, goods, chattels, honors, dignities, offices, liberties, privileges and benefices, ecclesiastical or civil, in Parliament and all other places of the said Kingdoms, and in every one of the same, in all respects and without any exception whatever, as fully and amply as the subjects of either realm respectively might have done or may do in any sort within the Kingdom where they were born." For the Ante-nati, a new law, *enacting* "That all the subjects of both realms, born *before* the decease of the late Queen, may be enabled and made capable to acquire, purchase

inherit succeed use and dispose of all lands, inheritances, goods, offices, dignities, liberties, privileges, immunities, benefices, and preferments whatsoever, each subject in either kingdom with the same freedom and as lawfully and peaceably as the very native and natural born subjects of either realm, where the said rights states and profits are established; notwithstanding whatsoever law statute or former constitution heretofore in force to the contrary: *other than to acquire possess succeed or inherit any office of the Crown, office of Judicature, or any voice place or office in Parliament*: all which to remain still free from being claimed, held or engaged by the subjects of the one kingdom within the other, born before the decease aforesaid. . . . until there be such a perfect and full accomplishment of the Union as is mutually desired by both realms;” it being nevertheless understood that the proposed act was not to interfere with the prerogative of the Crown “to denizate, enable, and prefer to such offices, etc., all English and Scottish subjects born before the decease of the late Queen as freely, as sovereignly and absolutely, as any his M. royal progenitors Kings of England and Scotland might have done at any time heretofore.”

The meditations of the recess had conjured up a host of terrors at the prospect of thus opening the gate and letting the lean kine into the fat pasture. And those who had been so little alarmed by the proposition during the first week after it was laid before them, that they desired to leave it entirely to the consideration of the other House, were now disposed to set all the rest aside and make their special stand upon this. The feeling broke out first on the 13th of February, in a vehement invective from the member for Bucks against Scotland and Scotchmen in general; which, though received “with a general amazement,” was allowed at the time to pass without reply or remark. Next day “the article of the

instrument concerning Naturalization was read" in the House by the Speaker; and the debate opened with a speech *against* it from Nicholas Fuller, who seems to have been recognized as leader of the opposition, in so far as that office can be said to have been recognized in those days; in which the apprehensions that so readily suggest themselves to Englishmen when invited to alter anything found fluent and forcible utterance. England, it seems, was already full to overflowing in all her departments; there was no room for a Scotchman anywhere. The universities had more men who deserved preferment than could find it. London was so pestered with new buildings, that they had a bill then before the House to restrain them. The merchants had made no profit for three years past. Trades were all overstocked. And so forth. His argument appears to have occupied the whole day, and it was not till the 17th that it received a reply; when Bacon delivered a speech, in which he took strong ground in favor of general naturalization.

What was the exact form of the question before the House when this speech was made, the Journals do not distinctly explain. Bacon evidently wished to turn it upon the consideration of general policy, — or "convenience" as it was called, — which was indeed the proper province of the Legislature; for upon the question what the existing law *was*, they had no authority to decide. And if they were satisfied that a general naturalization was expedient, though not prepared to affirm that the Post-nati were naturalized already, there was no need to meddle with the question. It would have been easy to frame the Act so as either to include them under the new law or leave them to the operation of the old. But the truth was that they were not prepared to admit any of the Scots to the benefits of naturalization, except upon conditions; and therefore it was necessary to put a veto, if possible, upon the doctrine that the Post-nati were en-

titled to admission as the law stood. Hence, as the debate went on, it shifted more and more from the point of "conveniency" towards the point of law; and ended at last on the fifth day in an instruction to the Committee to discuss it among themselves and "report their opinion on that point only." Their opinion was that the Post-nati were *not* naturalized *de jure*; and upon their report to that effect (23d February) — the House having in the mean time passed a resolution (21st February) that it was not fit to handle the point of conveniency before the point of law were determined, — they were again instructed "to collect and set down in writing the heads of the arguments . . . touching the point of law," and to consider who should be deputed to maintain each of the heads at the conference with the Lords, which was to be the next step.

The object of the conference being to establish a position which Bacon had just declared to be in his opinion "contrary to reason of law, contrary to form of pleading in law, and contrary to authority and experience of law," he could not be asked to take a part in maintaining it by argument. But he was not the less fit to set forth the state of the question at issue, and to explain the proposed method of discussion; and accordingly the part assigned to him by the House was, "to make the entrance, by way of preamble and insinuation of the order of argument appointed to the Committee;" to which was added the duty (which proved a very heavy one) of making report of the proceedings to the House the next morning.

It seems that at these conferences between the Lords and the Commons, the rule was that the Commons should stand all the time, bareheaded; which was found "a great hurt and danger to the health of their bodies, and almost impossible for the strongest body to endure, considering the length of conferences and the crowding and thronging there." On this occasion, the conference hav-

ing lasted very long and been continued through two successive days, the fatigue appears to have been too much for Bacon's constitution, and on the next morning he was ill and unable to appear in the House. But on Saturday, the 28th of February, he began his report; which "being," says the Journal, "very long, consisting of many divisions and particulars, and interlaced with much variety of argument and answer of both parts, the time would not allow him to finish, and so was deferred till Monday morning." On that day he reported "the answer of my Lords the Judges" to the reasons advanced by the Commons for concluding that Scots born since the King came to the Crown were *not* naturalized in England; the Judges holding that they were.

They had now had their conference upon the point of law, and received their answer; which left them in a difficulty. For upon the question what the law *was*, though they might dispute, the Judges must decide. It was now plain that the Judges would decide against them; and what more could they do? To do nothing, would be to leave all the Post-nati in unconditional possession of the privileges to which, except upon conditions, they thought it dangerous to admit them. To alter the law by an Act of Parliament would be the constitutional remedy; but it would require the consent of the Lords and the King, which was more than they could expect. To proceed to a conference on the "conveniency" of naturalization, would seem to imply acquiescence in the decision on the point of law. Long debates followed both in the House and in the Committee, and some fine fencing with the Upper House as to the terms on which the next conference should be held; the Lords pressing for a conference "concerning naturalization in general," the Commons trying to commit them to an interpretation of the words which should imply not only that the discussion was to be confined to the question of "conveniency and limita-



tions," but that the cases of the Ante-nati and the Post-nati were not to be treated as distinct; failing in which, they proceeded to instruct their own Committee to decline the discussion if such distinction were insisted on. And on these terms a conference was held on the 14th of March; at which nothing could be concluded because of that restriction.

Of this proceeding it is easier to understand the motive than the justification; for the distinction which they insisted upon ignoring was, upon any view of it, wide and important. The question was, under what "limitations" it was "convenient" that the Scotch should be admitted to the privileges of naturalization. Now the Post-nati *had*, and the Ante-nati had *not*, a claim by the common law to be admitted to those privileges without any limitation; and though the claim might be disputable, it was not one which the House of Commons had any authority to decide. Whatever privileges therefore they bestowed upon the one, with whatever limitations accompanied, were a benefit and free gift; whatever limitations they imposed upon the other, with whatever privileges accompanied, were a disfranchisement.

Had they consented to recognize the *distinction* of the cases, they might have had much to say upon the inconveniences involved in the interpretation of the law upon which the distinction rested. One consequence it certainly had which might on some other occasion have proved very mischievous, and against which it might have been judicious to provide then by legislation; for if true in this, it would be true in all cases of union under the same crown without distinction. And if that had been the point at which they aimed, it does not seem probable that they would have met with any obstruction. But that was a remote and contingent evil, which (though used to reinforce other objections) was not, I think, the real motive of their opposition. It was the second objec-

tion touched in Bacon's speech,<sup>1</sup> namely, that the Scotch not being subject to the English laws, it was unfair that they should be endowed with English privileges and liberties, which really stood in the way; and this objection was even stronger as against the Post-nati, who in another generation would be all, than against the Ante-nati, who had only a life interest in the matter. When they found therefore that the authorized interpreters of the law considered the Post-nati to be in actual possession of all the privileges belonging to naturalization, and that the Upper House was too wary to engage in a proceeding by which they might seem to commit themselves to an opposite opinion, they tried to get at their end another way. Many were in favor of some action to be taken by the Lower House for the purpose of invalidating or counter-acting the Judges' opinion on the point of law; and for a few days after the abortive conference on the 14th of March, Salisbury was so apprehensive of some such issue, that (the Speaker being luckily unwell at the time) he contrived to prevent the formation of a House by advising him to be too ill to attend. The delay, or the difficulty, or reflection upon the many mischiefs which such a course might bring, gave an advantage to more prudent counsels; and another solution of the problem, which appears to have been already suggested by Sir Edwin Sandys, began to find favor.

The objection was good only as against an *imperfect* union. "The cause of this imperfectness," said Sandys to the Lords at the last conference, was "in the Scottish nation; by inserting this clause into the body of their Act, that their fundamental laws or privileges should not be altered, and that therein they have expressed their meaning to be, to stand a free monarchy."

The desire of the Commons of England, he added, was for "a *perfect* union; which with consent of the

<sup>1</sup> On the 17th of February, in favor of general naturalization.

Scottish nation might be effected ; and by the direction and aid of their Lordships such an one might be set down as would be both honorable and profitable to both nations."

Let the two nations, in short, be united under the same law, and the objection to naturalization would disappear.

The suggestion (though to any one who had fairly considered the number and the nature of the questions that would have to be encountered it could not but appear equivalent to an indefinite postponement of the whole thing) had a fair sound and show ; and the debates drew gradually nearer and nearer to this solution of the present difficulty ; till at last, on the 28th of March, upon occasion of a new and pressing message from the Lords, inviting them to a free discussion "on the point of conveniency only, without reference to anything that had been said before, or that might be said, in point of law," it took the shape of a distinct motion. Upon which Bacon, — who, I need hardly say, had no part assigned him in the last abortive conference, and does not indeed appear to have taken any share in the discussions since his long report on the 2d of March, — came forward to oppose it.

This was on Saturday, on which day the House separated once more without coming to any conclusion ; and on Monday, while they were still in dispute upon the answer they should send to the proposal of conference, for which the Lords were still waiting, they were informed that the King desired to speak to the House the next day ; upon which further proceeding was of course suspended.

The next Sunday was Easter Day, and the King being well informed as to the tenor of the debates, both in the Houses and the Committees, thought it expedient, before they separated for the usual recess, to review the state of the question, to explain once more his own views and wishes, and to answer the objections that had been urged

on the other side. His speech is given at full length in the Commons' Journals, and though long is well worth reading, if it were only that we may understand why the men of his own time formed so different an estimate of his character and abilities from that which is now popular. His audience, looking forward into an uncertain future peopled with the phantoms of danger which the English imagination is so quick in inventing, would be much less disposed to assent to his conclusions than we are, who know by experience that those dangers were not substantial. But no man of judgment could have listened to that speech without great respect both for the ability and the temper of the speaker; and I think no man can read it now without feeling that wherever he was at variance with the popular judgment of his own time, it was by being in advance of it. It may be well doubted indeed whether it is ever prudent in a King to come forward as a disputant in a matter which must be decided by votes: but the very disposition to put it upon the issue of reason and fair argument was an evidence of simplicity and humanity, and could not but give a favorable impression of the personal character of the man.

His object, of course, was to persuade them to pass at once an Act of general naturalization, by way of preparation for the more perfect union which he hoped would follow in due season; and the adjournment of Parliament for three weeks immediately after, gave time for the speech to make its impression. But though it was well received, and though there was a general desire on all sides to avoid anything which would discontent the King, the dislike which was felt to the proposition itself could not be got over so. It was not the Crown they were jealous of, but their fellow-subjects. When they met again they took the business up where they had left it, and opinion still ran so strongly in favor of a union of laws as an indispensable preliminary to a general naturaliza-

tion, that it was found impracticable to proceed further with the measure. Once more the King tried the effect of a speech to remove misunderstandings; but it was so well considered as the last; and having too much complaint and remonstrance in it, it touched the feeling of the House in a tender place, provoked remonstrance in return, and led again to further explanations. Upon these terms the project was allowed for the present to drop.

But though naturalization, so far as the House of Commons could forbid it, was indefinitely postponed, it made for a state of hostility between the two kingdoms might be repealed; and there being now no hope of further Conferences, a bill was next brought "for the continuance and preservation of the blessed union of the Realms of England and Scotland, and the abolishing and taking away of all hostile laws, statutes, and customs that might tend to disturb or hinder the same."

It was not, however, till the 30th of June that this was finally passed by both houses; several questions having been raised which led to much dispute, — especially concerning the provision to be made for the trial of offenders on either side of the border; but though B had a good deal to do with them, both as reporter and actor in the subsequent proceedings, I do not find record of the part he took personally on the points in dispute. I shall only add therefore that the act was at last to the general satisfaction of both houses, took its place in the Statute-book — the principal fruit of the long session.

For his own personal fortunes, the most important event of the session was his promotion at last to Solicitorship, which took place silently on the 25th June. Croke, who was King's serjeant, was made Puisne Judge of the King's Bench. Doderidge became

King's serjeant in his place; and Bacon succeeded as Solicitor, — an office which he reckoned to be worth £1,000 a year.

It was probably about this time that Bacon finally settled the plan of his "Great Instauration," and began to call it by that name. In 1605, he had (as I have already mentioned) digested the subject in his head into two parts: 1st, the art of experimenting, that is, of following an investigation with intelligence from one experiment to another, — which is in fact the art that Science has been practicing ever since, and by means of which she has achieved all her successes; and 2dly, the art of what he called "Interpretation of Nature," which was to furnish the key of the cipher, and in revealing the secret of all natural operations to give command of all natural forces.

This last, as he came to look into it more closely, he proposed to distribute into three books: the first to prepare the way for the reception of the new method by removing the impediments which he anticipated in the state of opinion and the errors of the mind; the second, to expound the method itself; the third, to exhibit the results of the method applied.

Further consideration (with reference, however, not merely to the exposition of the argument, but also to the better preservation of his own various philosophical writings) led him to enlarge the plan still further. A review of the existing stock of human knowledge — of which the "Advancement of Learning" was a sketch, and the "Descriptio Globi Intellectualis" was meant, I think, for the beginning — was to form the first part. The second was to include a complete exposition of the new method or *organum*; together with all the preliminary matter designed to prepare the way for it. The third was appropriated to the collection of natural and experimental history, — *Phænomena Univerſi*, — the observed and un-

certained facts of nature, upon which the new method was to work. A fourth was to exhibit examples of the application of the new method in certain selected subjects, — examples of a true induction carried through all its processes, from the observation of the facts to the discovery of the “form.” A fifth was to contain certain provisional speculations, suggested by the way, on subjects to which, for want of completer knowledge, the true method could not yet be applied. The sixth and last was to set forth the new philosophy itself, — the book of Nature laid open and explained, — *Natura illuminata, sive Veritas Rerum*.

How much of this he expected to execute or see executed, it would be vain to conjecture. But though the accomplishment of the last part seemed to him, even in his most sanguine moods, remote beyond all definite anticipation, — a thing reserved for “the fortune of the human race” to achieve in some future century, — there is no doubt that (given workmen enough and time enough) he believed the whole to be practicable by human means, and himself to be capable of making a beginning which would lead in due course to the accomplishment of the whole. The difficulty was to find the workmen, the first step towards which was to find hearers and believers. And upon this point the taste he had taken of men’s opinions during the last year or two appears to have given him some new light. It had shown him that besides the “fallacies or false appearances” enumerated in the “Advancement of Learning” — illusions inseparable from our mental condition, and afterwards distinguished as Idols of the Tribe, the Cave, and the Market-place — there was another class of idols to be dealt with, which, though not inherent in the constitution of the mind itself, nor inseparable from the condition of man’s life, were nevertheless extant and potent in fact, and stood more obstinately in the way. These were the



received systems, in the belief of which men had been brought up; the doctrines taught in the schools; the *orthodoxies*, in short, of philosophy. To clear the way for the reception of his own views, it was requisite in the first place to shake men's faith in these: and it was at this time that the "*pars destruens*" was designated for the foremost place in the great argument, and the *re-dargutio philosophiarum* (afterwards called the caution against the Idols of the Theatre) for the foremost place in the *pars destruens*. Of this he made two or three different sketches, in different forms and styles; experiments, I think, as to the most effective manner of treating the subject; the dates and even the order of which we have no means of ascertaining with precision. But there is one which I am inclined to regard as representing at once the earliest and the latest form in which this part of the argument was set forth; the form in which, as being most natural to him, he probably began, and in which for the same reason, after making trial of the others, he certainly rested: although the copy in which it has been preserved may be very different from the first draft, which would naturally be altered and enlarged in successive revisions. This however is only a guess. What we know is, that some time before February, 1607-8, he had shown to Sir Thomas Bodley a treatise entitled "*Cogitata et Visa*;" containing (according to Sir Thomas) "many rare and noble speculations," and "abounding with choice conceits of the present state of learning and worthy contemplations of the means to procure it;" the general purport of which was to "condemn our present knowledge of doubts and incertitudes," to recommend the "disclaiming of all our axioms and maxims, and general assertions, that are left by tradition from our elders unto us;" "and lastly to devise, being now become again as it were *abecedarii*, by the frequent spelling of particulars to come to the notice of the true

generals, and so afresh to create new principles of sciences," and "a knowledge more excellent than now is among us" (I quote Bodley's own expressions, though not the aptest that might be devised), and that among the pieces published by Gruter in 1653 there is one entitled "*Cogitata et Visa de Interpretatione Naturæ, sive de Inventione Rerum et Operum*," consisting of a series of meditations upon the various causes which had hindered man in acquiring the command of nature; among which the incompetency of the received systems of philosophy and the received methods of demonstration and inquiry, hold a prominent place: a treatise to which all Bodley's remarks apply well enough, as far as they go.

The letter which contains them, and which was printed in the "*Remains*" (1648), is dated February 19, 1607; that is, 1607-8; and helps to date the following letter from Bacon to Bodley, which, being evidently written before he had heard from him, and at the beginning of a vacation, must be referred either to July or December, 1607. It does not much matter which, for the inference on either supposition must be that the "*Cogitata et Visa*" represents substantially the state of his philosophical enterprise in the summer of that year, and the part of the task upon which he was then at work. I say substantially: because the allusion to "the lodgings chalked up, whereof I speak in my preface," implies either that the treatise was not then exactly in the shape in which it has been preserved, — for it has no preface, nor is there anything in it about the chalked lodging, — or that it had been accompanied with other papers on the same subject: which indeed seems very probable: and that one of them was the "*Partis Instaurationis Secundæ Delineatio et Argumentum*," in which (as printed by Gruter) such a passage does occur.

A LETTER TO SIR THOMAS BODLEY, AFTER HE HAD IMPARTED TO SIR THOMAS A WRITING ENTITLED COGITATA ET VISA.

SIR, — In respect of my going down to my house in the country, I shall have miss of my papers: which I pray you therefore to return unto me. You are, I bear you witness, slothful, and you help me nothing; so as I am half in conceit that you affect not the argument; for myself I know well you love and affect. I can say no more to you but *non canimus surdis, respondent omnia sylvæ*. If you be not of the lodgings chalked up (whereof I speak in my preface) I am but to pass by your door. But if I had you but a fortnight at Gorhambury, I would make you tell me another tale; or else I would add a Cogitation against Libraries, and be revenged on you that way. I pray send me some good news of Sir Thomas Smith, and commend me very kindly to him. So I rest.

Bodley might help Bacon with supply of books: but, for ideas, it must have been manifest from the moment his answer came that no light could be looked for from that quarter; not even the light which is given by intelligent opposition. Nothing can be weaker or more confused than his reasons for dissent, unless it be his apprehension of the question at issue.

Bacon had the more leisure for the prosecution of these studies at this time, because Salisbury, though he had consented at last to help him to the Solicitorship, showed no disposition to use him (as he would no doubt have been very willing to be used) in higher matters than those immediately belonging to his office. It might have been supposed that as his services in the House of Commons had been found so valuable to the government, his advice and assistance in all measures which were likely to come under discussion in the House of Commons

would have been sought and prized. But whether it was that Salisbury preferred the service of men who could not be suspected of being more than servants; or that he knew Bacon's modes of proceeding (and his ends, perhaps, likewise) to be different from his own; or that he feared to admit such an eye too near the secrets of his purposes and policy (for he was at this time privately receiving an annual pension from the King of Spain)<sup>1</sup>—certain it is that no traces of confidential consultation on matters of general policy are to be found among the papers of either; no memorials or letters of advice addressed by Bacon to Salisbury, like those "Considerations touching the Queen's Service in Ireland" which he volunteered in 1601; but only a few letters and drafts on matters falling directly within the duty of the Solicitor General.

Among these, however, there are two drafts of Proclamations, which, though not included in Bacon's own collection, or otherwise acknowledged as compositions of his own, have marks of his hand upon them, sufficient, I think, to entitle them to a place here. They are preserved among the State Papers now at the Rolls House; where, if they were drafts submitted to Salisbury for consideration, they would naturally be. They are both written in the hand of a scribe known to have been in Bacon's employment about this time: both are corrected here and there, and both are docketed, in his own hand; and one of them is largely corrected in the hand of Salisbury. The presumption, therefore, is that the papers in their original form were of Bacon's own composition. Whether of his own suggestion also, or drawn up by direction of the government, it is not possible to say.

The first bears upon a question of considerable interest in the history of the struggle between the Royal Prerog-

<sup>1</sup> Gardiner, ii., p. 356.

ative and the Courts of Law, — the question as to the Jurisdiction of the Provincial Council in Wales.

The other relates to a subject of more general interest, and looks to me very much like an original suggestion of Bacon's own, appreciated and acted on by the King, but (like many of his ideas) too far in advance to take effect upon popular opinion. The "British jury" is one of our most venerated institutions, and has done and continues to do an incalculable amount of good service. Yet it cannot be said that on a disputable question of fact the decision of a jury carries much authority in men's opinions; or that our veneration for the institution protects it from ridicule, when the verdict is distasteful. This could hardly be, — the gravity of the office considered, — if the capacity of the men to whom it is usually committed were not felt to be somewhat below the general level. And it is very difficult to say why a business of such importance should be thought below the dignity of the best instructed classes, or entrusted to any below the best procurable. The truth, I suppose, was simply that the service being troublesome and unattractive, the higher classes used their influence to be relieved from it; and fashion is too strong for kings and laws. The following draft, written in a hand known to have been in Bacon's employment about this time, and corrected and docketed in his own, was an attempt to introduce a better fashion; which, had it succeeded, would have greatly raised the value of a jury's verdict, and produced effects, direct and indirect, more than can be easily estimated, and certainly beneficial. The form in which it was originally drawn being that which best represents Bacon's idea (if I am right in supposing it to be of his composition), I print it from the manuscript as it stood before Salisbury touched it.

## A PROCLAMATION FOR JURORS.

As it is a principal part of our kingly office to administer justice to our people, by which also our throne and sceptre is established and confirmed ; so we conceive that we may truly and justly thus far reap the fruit of a good conscience, as to be witness to ourselves, and likewise report ourselves not only to our Privy Council, which is acquainted with our more secret cares and cogitations, and our Judges and Learned Counsel, with whom we have had more frequent conference than princes formerly have used, but generally also to all others our loving subjects (in regard of some our public actions), whether in these few years of our reign (notwithstanding we could not be at our first entrance so well informed as now we are in the laws and customs of this our realm) we have not exercised and employed our princely care, power, and names for the furtherance and advancement of justice duly and speedily to be administered to all our loving subjects. For it appeareth that we have increased the number of our Judges in our principal benches, to avoid the delay of the subject by equality of voices ; and have moderated and appeased some differences and contentions amongst our Courts in point of jurisdiction, to avoid double vexation of suits ; and have from time to time in person given more strait charge to our Judges before their circuits and visitations, and received again from them more strait accounts and reports at their turns, than heretofore hath been accustomed. And we have been thus careful of our Courts and Judges of the Law, so may we nowise omit to extend our princely care to another sort of judges (though they be termed by another name) upon whom lieth a principal part of the judicature, which are the Judges of the Fact, and by the custom of the realm called Jurors, which try and decide the issues and points of fact in all controversies.

causes ; — a matter no less important to the sum of justice than the true and judicious exposition of the laws themselves. For even that judgment which was given by a King in person, and is so much commended in the Scriptures, was not any learned exposition of the law, but a wise sifting and examination of the fact, where testimony was obscure and failed : unto which sort of Judges also the law of this our realm doth ascribe such trust and confidence, as it neither ties them to the evidence and proofs produced, neither disableth any witness (except in case of perjury) to be used ; but leaveth both supply of testimony and the discerning and credit of testimony wholly to the Juries' consciences and understanding, yea, to their private knowledge. But herewithal we consider with ourselves that this proceeding by Jury, which is one of the fundamental laws and customs of this our island of Britanny, and almost proper and singular unto it in regard of other nations, as it is an excellent institution in itself (as that which supplieth infinite delays which grow upon exceptions to witnesses ; spareth rigorous examination by torture in cases capital ; and doth not accumulate upon the same persons the trust and confidence to the Judges both of law and fact) ; so nevertheless it is then laudable and good when those persons which serve upon the said Juries are men of such quality, credit, and understanding, as are worthy to be trusted with so great a charge as to try men's lives, good names, lands and goods, and whatsoever they hold dear in this world. Wherein we cannot but observe and highly commend the wisdom of the laws of this our realm (taking them in their own nature before abuses crept in) which have in this point so well provided. For as in the trial of any Peer of this realm, the law doth not admit any to pass upon him but Peers, so in the trial of any of the Commons (which the law beholdeth but as one body) there is no person whatsoever (were he of our Counsel of



Estate) by rule of law exempted, in respect of his quality and degree only, from the service upon Juries; whereas on the contrary part the law hath limited that none so except he have a certain proportion of freehold; and notwithstanding time and abuse have so embased the estimation of this service, and altered the use thereof, that sheriffs, under sheriffs, and bailiffs do not only spare gentlemen of quality in a kind of awe and respect; but likewise for lucre, gain, and reward, forbear to receive many of the ablest and fittest persons; so that the service oftentimes resteth upon such as are either simple and ignorant, and almost at a gaze in any cause of difficulty; or else so accustomed and inured to pass time upon Juries, as they have almost lost that tenderness of conscience which in such cases is to be wished, and make the service as it were an occupation or pastime. Upon these grounds, therefore, and upon advice taken with our Privy Counsel and conference with our Judges and Counsel Learned, we have resolved to give remedy to these abuses, and to restore the trial of our realm of England to the ancient integrity and credit. And therefore we do hereby publish and declare to our loving subjects, that they take light from us of the greatness of this service; and that the gentlemen of best quality do put away that vain and untrue conceit that they are any ways disgraced or disesteemed, if they be called upon or used in this part of Justice to be Judges of the fact; knowing that all judgment is God's principally, and by him committed unto us within the precinct of our kingdoms as his minister upon earth, to whom likewise they are subordinate; and we do likewise charge and command all our Judges, Justices, Sheriffs, Under-sheriffs, Bailiffs, and others to whom it may appertain, to let it be known that it is our express will and pleasure that all persons which have freehold according to the law (other than such as we shall by our express letters patent

privilege and discharge, which we mean to do moderately, and but upon special circumstances, and up on a reasonable fine as hath been used) shall be returned to serve upon Juries as occasion shall require; for seeing also that they use a respect that the same persons be not too oft returned and troubled; but that the service may rest more equally and indifferently upon the whole body of freeholders in every county, the one to ease and relieve the other; wherein nevertheless our intention is not but that there be a discretion retained in returning the more principal persons upon the greatest causes. And above all we do strictly admonish and prohibit our said sheriffs and the undersheriffs and bailiffs, that they presume not at their uttermost peril directly or indirectly to take any manner of reward, profit, or gratification whatsoever for sparing or forbearing any person whom the law doth allow to be returned upon the service aforesaid, upon pain to be punished with all severity according to our laws, and also as contemners of this our Royal prohibition.

The idea was approved by the Government, and the proposed Proclamation, with many additions, omissions, and alterations, chiefly by Salisbury, but without substantial variation, so far as I can see, was published by authority on the 5th of October, 1607. The seed fell upon soil too hard trodden by custom to nourish and make it grow; and it is not likely that it will ever bear fruit in old England. But reason does not die, and it may be that in some younger community the principle may yet be taken up by "the common sense of most," and the function of the petty Jury may come to be regarded as equal in dignity to any.

## BOOK IV.

### CHAPTER I.

A. D. 1607-1609. *ÆTAT.* 47-49.

THOUGH the King's bounty flowed much more freely to those about him, where he could see and share the pleasure it gave, than to those who were doing his heavy work in their chambers or in the Courts, yet the working-men came in for some of the crumbs. Near the end of a list of "fees granted by his Majesty" before the 5th of August, 1607, I find the following entries:—

"A Baron of the Exchequer increased	113. 6. 8 <sup>d</sup>
"A Judge of the King's Bench increased	188 <sup>s</sup> 6 <sup>d</sup> 8 <sup>d</sup>
"A Judge of the Common Pleas increased	188 <sup>s</sup> 6 <sup>d</sup> 8 <sup>d</sup>
"Sir Francis Bacon	100 <sup>d</sup>

But it was one thing to obtain a grant of the money, and another to obtain the money itself. For the King himself must get it before he can give it, and the royallest mind of bounty cannot make it come forth from the place where it is not. The Exchequer not being able to answer all such demands, questions necessarily arose which should be answered first, and these would naturally lead to disputes with the officers. It was probably this grant of £100, or some other grant of the same kind, that led to the "letter of expostulation" which comes next, and which gives us an opportunity of seeing Bacon a little out of temper.

Sir Vincent Skinner was an officer of the receipts of the Exchequer, whose duty, I suppose, it was to pay out of those receipts such sums as were claimed upon due

warrant. It seems that some objection had been made to Bacon's claim, but that being referred to the Lord Treasurer it had been overruled in his favor: and when, in spite of this, the payment was still delayed, he thought himself ill-used, and wrote to remonstrate: with what effect I cannot say: the letter itself (which comes from his own collection) containing all I know of the matter.

A LETTER OF EXPOSTULATION TO SIR VINCENT SKINNER.

SIR VINCENT SKINNER, — I see that by your needless delays this matter is grown to a new question; wherein for the matter itself, if it had been stayed at the beginning by my Lord Treasurer and Mr. Chancellor, I should not so much have stood upon it; for the great and duly travels which I take in his Majesty's service either are rewarded in themselves, in that they are but my duty, or else may deserve a much greater matter. Neither can I think amiss of any man, that in furtherance of the King's benefit moved the doubt, that know not what warrant you had. But my wrong is, that you having had my Lord Treasurer's and Mr. Chancellor's warrant for payment above a month since, you, I say, making your payments belike upon such differences as are better known to yourself, than agreeable with due respect and his Majesty's service, have delayed it all this time, otherwise than I mought have expected either from our ancient acquaintance, or from that regard which one in your place may own to one in mine. By occasion whereof there ensueth to me a greater inconvenience, that now my name, in sort, must be in question amongst you, as if I were a man likely either to demand that that were unreasonable (or be denied that which is reasonable); and this must be, because you may pleasure men at pleasure. But this I leave with this; that it is the first matter wherein I had occasion to discern of your friendship, which I see to fall to this; that whereas Mr. Chancellor the last time, in my

man's hearing, very honorably said that he would not discontent any in my place, it seems that you have no such caution. But my writing unto you now is to know of you where now the stay is, that I may do that which is fit for me without being any more beholding unto you, to whom indeed no man ought to be beholden in these cases in a right course. And so I bid you farewell.

FR. BACON.

24th Dec. 1607.

It must have been about this time that Bacon made acquaintance with a new kind of mortification. His young friend, Toby Matthew, for whom he seems to have had a strong personal affection, heightened by sympathy in intellectual pursuits and respect for his judgment and abilities, had left England in April, 1605, to travel in Italy; where, falling into the company of Roman Catholics, and seeing some of the miracles of the Church, he became a convert, was absolved from his heresies, and reconciled. Though he continued to correspond with Bacon while the process of conversion was going on, he does not appear to have consulted him or admitted him into his confidence in that matter. But on his return to England, apparently in the summer of 1607, when his license to travel expired, Bacon was the first person of note with whom he sought communication. What passed between them we are not told; but the advice he received would probably be that he should lay his case before the Archbishop of Canterbury, as the man who had authority to deal with such cases; and, accordingly, the next thing we hear is, that he visited Dr. Bancroft. The result of this visit was, that he was "committed to prison;" by which I understand that he was detained in safe custody — lodged probably in Lambeth Palace, with somebody to keep watch over him — while his case was under consideration. And this was in August, 1607; for I find it stated

in a letter from Carleton to Chamberlain, of the 27th of that month, that "Tobie Matthew hath leave to go as often as he will with his keeper to Sir Francis Bacon, and is put in good hope of further liberty."

A letter in Matthew's collection (p. 22), entitled "Sir Francis Bacon to a friend, about reading and giving judgment upon his writings," was no doubt addressed to himself, and belongs probably to this period. It seems that Bacon had been expecting a visit from him, and, being called away on business, wrote to put him off. What the "writing" was, to which it refers, it is impossible to infer from the terms. It may have been the "Cogitata et Visa" in some of its shapes; or it may have been a first sketch of the "In Felice Memoriam Elizabethæ" (which we know that Bacon did show to Matthew when he was in England on this occasion), or the "Imago Civilis Julii Cæsaris," or both. But that which is interesting in it to us is equally interesting upon any of these suppositions.

SIR, — Because you shall not lose your labor this afternoon, which now I must needs spend with my Lord Chancellor, I send my desire to you in this letter, that you will take care not to leave the writing, which I left with you last, with any man, so long as that he may be able to take a copy of it; because first it must be censured by you, and then considered again by me. The thing which I expect most from you is, that you would read it carefully over by yourself; and to make some little note in writing, where you think (to speak like a critic) that I do perhaps *indermiscere*; or where I do *indulgere genio*; or where, in fine, I give any manner of disadvantage to myself. This *super totam materiam*, you must not fail to note; besides, all such words and phrases as you cannot like; for you know in how high account I have your judgment."

Matthew's case being in the mean time laid before the King, it was thought expedient to offer him "the oath," which the King thought he would not refuse to take. This it seems he could not do: whereupon he was committed to the Fleet prison by the Archbishop, and there visited by various people of various kinds, among the rest by Bishop Andrewes, with a view, I suppose, to his re-conversion.

It must have been during this imprisonment, which lasted till the 7th of February, that the next letter was written, which comes from the principal collection in Rawley's "*Reuocatio*," and is the first I have found in that collection which is not also contained in the British Museum MS. (Additional, 5503). It had been printed before in the "*Remains*;" but I infer from Rawley's including it among those which profess to come from his "*Lordship's Register Book of Letters*," that a copy had been preserved by Bacon himself.

TO MR. MATTHEW, IMPRISONED FOR RELIGION.

MR. MATTHEW, — Do not think me forgetful or altered towards you. But if I should say I could do you any good, I should make my power more than it is. I do hear that which I am right sorry for; that you grow more impatient and busy than at first; which maketh me exceedingly fear the issue of that which seemeth not to stand at a stay. I myself am out of doubt, that you have been miserably abused, when you were first seduced; but that which I take in compassion, others may take in severity. I pray God, that understandeth us all better than we understand one another, contain you (even as I hope He will) at the least within the bounds of loyalty to his Majesty, and natural piety towards your country. And I intreat you much, sometimes to meditate upon the extreme effects of superstition in this last Powder Treason; fit to be tabled and pictured in the chambers of med-



itation, as another hell above the ground ; and well justifying the censure of the heathen, that superstition is far worse than atheism ; by how much it is less evil to have no opinion of God at all, than such as is impious towards his divine majesty and goodness. Good Mr. Matthew, receive yourself back from these courses of perdition. Willing to have written a great deal more, I continue —

Such power, however, as Bacon had, he used, it seems ; and with better effect than he had ventured to promise. For I find from the note of the contents of Dr. Nelligan's manuscript, that before Matthew was delivered out of the Fleet prison, " Sir Francis Bacon interceded for him." With whom he had used his influence, and how much his intercession had to do with what followed, the note does not say. But of the circumstances and conditions of his liberation we have the following account in a letter from Chamberlain to Carleton, dated 11th February, 1607-8 :—

" Your friend, Tobie Matthew, was called before the Council-table on Sunday in the afternoon, and, after some schooling, the Earl of Salisbury told him that he was not privy to his imprisonment, which he did no ways approve, as perceiving that so light a punishment would make him rather more proud and perverse. But in conclusion they allotted him six weeks' space to set his affairs in order and depart the realm ; and in the meantime willed him to make choice of some friend of good account and well affected, where he may remain. He named Mr. Jones, who has accepted, and is not a little proud of his prisoner."

We shall often hear of him again, for during the whole term of his banishment a correspondence by letter was kept up ; and it was in the last year of Bacon's life that he added to his Essays, at Matthew's special request, an Essay on Friendship, in commemoration of an intimacy which had been tried by adversity and prosperity on both sides, and endured to the end without cloud or interruption on either.

Unless Bacon's intercession on behalf of Matthew made through Salisbury (which there is no reason to suppose), he had not at this time any particular favor to seek or expect at his cousin's hands. He had been Solicitor General only half a year before, and there was no prospect at present of any vacancy to which he might have aspired. A letter therefore addressed "to the right honorable the Lord of Salisbury upon a new year's tide," on the first anniversary of the kind "when he stood out of the person of a suitor," must be referred to the 1st of January, 1861.

It is difficult to understand the true import of the compliment, without an acquaintance (more familiar than, at the distance of three centuries, it is easy to obtain) with the fashions of the time in such matters. The style of courtesy is as much a matter of fashion as the style of dress; and forms which in one generation would be unmannerly to omit, in the next it would be vulgar to use. But comparing this with other letters of Bacon's own on similar occasions, we may gather something as to the peculiar relation which subsisted between the two men. Bacon was two years older than Robert Cecil, and when they were both boys must have seemed his superior: but the position and influence which the younger of the cousins succeeded so early and so long ago altered that, and entitled him to be addressed as the greater man: which Bacon understood perfectly well, and did not fail to remember. But what he did not understand was how far his cousin was really his inferior. For Cecil had that frank, easy, unceremonious manner which, when used as a disguise, is of all disguises the most impenetrable. More than once Bacon had seen cause to think that he was secretly acting against him, and once at least had told him so. But Cecil never allowed himself to take offense about words; and the temper of his answer, if it did not satisfy Bacon, at least did not hurt him. Nevertheless, though he continued to stud-

humors and watch his times, with a strong desire to win his confidence, he never succeeded in acquiring any real intimacy. Always on the alert to offer help, always prompt and cordial in acknowledging such favors as he received, always addressing him as a kinsman naturally interested in his fortunes, he never seems to have been on easy terms or a clear understanding with him, but to have felt always that he was treading on doubtful ground and must advance with caution. At this time he not only stood for the first time "out of the person of a suitor," — that is, in a position in which he had not any particular favor to ask or expect, — but he had for the first time received from Salisbury substantial help in his professional advancement. This *might be* the sign of a change of disposition, and if rightly responded to, the beginning of a more cordial intercourse. Might, or might not. And I suppose it was the doubt felt by Bacon on that point which guided him into the peculiar mixture of familiarity and formality which distinguishes this letter: an overture of service and affection, which, if acceptable, might help to bring on the intimacy he desired; if not, might pass for a New Year's compliment.<sup>1</sup>

It comes from Bacon's own collection.

A LETTER TO THE EARL OF SALISBURY, OF COURTESY  
UPON A NEW YEAR TIDE.

IT MAY PLEASE YOUR GOOD LORDSHIP. — Having no gift to present you with in any degree proportionable to my mind, I desire nevertheless to take the advantage of a ceremony to express myself to your Lordship; it being the first time I could make the like acknowledgment, when I stood out of the person of a suitor. Wherefore I most humbly pray your Lordship to think of me, that

<sup>1</sup> "Salisbury," said Ben Jonson to Dr. Samuel Purchas, "never rated for any man longer than he could make use of him." *B. J. a Country*, with IV. D., edited by D. Laing for W. & A. Scott, 1812, p. 24.

now it hath pleased you, by many effectual and great benefits, to add the assurance and comfort of your love and favor to that precedent disposition which was in me to admire your virtue and merits, I do esteem whatsoever I have or may have in this world but as trash, in comparison of having the honor and happiness to be a near and well accepted kinsman to so rare and worthy a counselor, governor, and patriot. For having been a studious if not curious observer, as well of antiquities of virtue as late pieces, I forbear to say to your Lordship what I find and conceive; but to any other I would think to make myself believed. But not to be tedious (in that which may have the show of a compliment) I can but wish your Lordship many happy years; many more than your father had; even so many more as we may need you more. So I remain.

Parliament did not meet again in 1608, having been further prorogued upon apprehension or pretense of the "sickness" then prevalent in London; and Bacon's principal public services were performed in the Courts and belong to the professional department.

Of these the most considerable was his argument in the case of the Post-nati, delivered before the Lord Chancellor and all the Judges, assembled in the Exchequer Chamber. It was a great case, and arose in this way. The proceedings in the last session had left the question of Naturalization not only unsettled, but subject to a grave doubt in point of law: the Judges having, as advisers of the Upper House, given opinion that the Post-nati were already *ipso jure* naturalized; while the Lower House had resolved that they were not, and declined to naturalize them by Statute, until other measures had been passed which must necessarily have taken a long time. This doubt affected the rights of all persons born in Scotland within the five years last past, and to be born

hereafter; and as neither an extra-judicial declaration of the Judges nor a mere resolution of the House of Commons was competent to settle it, it was a matter of great importance to obtain an authoritative and conclusive decision. To procure this, a grant of lands in England was made to an infant born in Scotland since the King's accession, of which a disseizin having been effected, an action of common law was brought by his guardians to recover possession, together with a suit in Chancery for the discovery of evidence. The decision in both cases turned upon the question whether he were an alien or no; and in both, after hearing, was "adjourned into the Exchequer Chamber, to be argued openly there; first by the Counsel learned of either party, and then by all the Judges of England." Bacon's argument, probably the greatest of his forensic speeches, certainly the most interesting to non-professional readers, appears to have been delivered some time before Easter Term (which began on the 13th of April), 1608.

The result was a judgment in favor of the plaintiff, delivered by the Lord Chancellor and twelve of the Judges, two only dissenting; a judgment very satisfactory to those who thought with Bacon that there could be no secure union between the two countries without naturalization, and that the sooner it took place the better; for it settled that part of the question which was most important. The remaining marks of separation might retard the union between the English and Scotch of that generation, but in the next generation they would have disappeared altogether. With those who wanted no such union and apprehended evil to England from this communication of privileges, the decision was of course unpopular; for it imposed upon their children the very state of things which they had refused for themselves, and from which they would have saved their posterity if they could. That this unpopularity was so great and so

general as to make it from that time "useless to call upon Parliament to consider any measure connected with the union," is an imputation upon the patriotism of the Commons of those days which I hope is unjust. But even if the result of the proceeding did involve so grave an inconvenience, it is difficult to see how the Government could have avoided it. To say that a doubtful question of law, involving the private rights of innumerable persons, ought not to have been referred to the highest legal tribunal in the land, is to say that the forms of judicial procedure ought to have been regarded as useless, and the Judges as incompetent for their function. And as it was never suspected that any undue influence was used to limit the freedom of the defense, or to bias the decision, it is strange that in these times, when nobody wishes the decision reversed or regrets the effects of it, any doubt should be felt as to the propriety of the proceeding through which it was obtained. "Never any case," says Coke, "was adjudged in the Exchequer Chamber with greater concordance and less variety of opinion. . . . *Et sic determinata et terminata est ista questio.*"

There is another writing of Bacon's which appears to have been composed about this time, and (though its form and the use to which he turned it afterwards caused it to be classed among the literary works) might perhaps with as much propriety have been placed here: for there can be little doubt that it was closely connected with the business of this particular time, and meant to bear upon the solution of the most important state-problem with which the statesmen of the time had to deal.

The day had come when the ordinary revenues of the Crown were no longer adequate to the ordinary requirements of government. And the day was fast coming when it would not be possible any longer to disguise that fact. Now if the King could not carry on the Govern-

ment constitutionally without help from the House of Commons which the House might constitutionally refuse, it followed that the House of Commons had potentially a  *veto* upon all the proceedings of the Government. If this be done (they might say), or if that be not done, we shall stop the supplies. The transfer of so great a power to new hands, coming suddenly, and coming (as it probably would) with a struggle, was a revolution which could not be anticipated without serious apprehension: for in a constitution like the English there was no knowing how much disturbance it would cause. The best chance of averting or postponing the discovery would be to engage the country in some action which would carry the sympathies of the people with it. Now the pacific character of James's government was probably up to this time the most unpopular thing about it; and though the time was happily past when

"To win our ancient right in France again,  
Or die a soldier as I loved a King."

could be approved by sane men as a fit object of royal ambition, yet there were many questions still alive, — questions concerning religion, trade, colonization, etc., — in which the English people would have been proud to see their Government asserting a foremost position among the nations, and an English House of Commons would have heartily supported them. And had Bacon been called into council at this time, he would apparently have advised a bolder foreign policy — a policy aiming, not indeed at direct aggression, but at an assertion of influence and of a right to interfere in the settlement of European questions. The occasion and the manner would of course depend upon the course of events, which could not be foreseen. But the prudence of a general inclination of the national policy in that direction would depend upon the measure of forces, and upon the question

<sup>1</sup> *Richard III.*, act. iii., sc. 1.



whether England had the means of carrying it out successfully. To show that she might safely aspire to such a position, Bacon now commenced an elaborate treatise, to be submitted to the King, upon the conditions of national greatness; tending to prove—and it will not be thought that our subsequent history has discredited his judgment—that England, Scotland, and Ireland, united under one Crown, possessed all those conditions in a higher degree than any of the great monarchies of the world did at the beginning of their career; and that the vision of “a sun rising in the west” was as likely to be verified in Britain as in any other kingdom of Europe. Though this treatise was never finished according to the design (probably because the idea was not taken, and the measures shortly after adopted by Salisbury were at variance and incompatible with it), I do not find that Bacon ever lost his own faith in the opinion which suggested it. As the internal disputes which threatened to divide the kingdom against itself grew more formidable, and external accidents offered chances of taking up the policy which he had indicated, we shall find him now and then recurring to it; and whoever cares to understand how he would have endeavored to bring about a reconciliation between the conflicting interests of the Crown and the Commons, would do well to turn to his fragment “On the True Greatness of Britain,”<sup>1</sup> and read it in connection with the Parliamentary proceedings of the last session. That it had a real connection with them, will appear from some remarkable memoranda in the paper which comes next in order of date; a paper to which I have made many references already.

To avoid loss of time and opportunity from not remembering things at the moment they were wanted, Bacon appears to have been in the habit of reviewing all his businesses from time to time, and setting down in a notes-

<sup>1</sup> *Works*, vol. ii., Part III., p. 51.

book or on a sheet of paper whatever he wished to have ready for recollection. These books or sheets he would again from time to time revise, striking out such notes as were obsolete, and transferring the others to a fresh book. Such at least was his plan of action. How early he began, or how regularly and how long he persevered in it, we have no means of knowing. The old books would naturally be destroyed as they were superseded by the new, their contents being presumably of too private and confidential a nature in many parts for other people's reading. One of them, however (probably because it contained among other things notes for a philosophical investigation, which was never finished), was preserved among his papers, and coming into the hands of Archbishop Tenison, found a resting-place in his library in St. Martin's-in-the-Fields, where I found it. Of its authenticity there can be no question, being written throughout in his own hand. It appears to have been the work of seven consecutive days (Saturday omitted) at the beginning of the long vacation of 1608; the first page being dated July 25, and the last (except a page or two added afterwards) July 31. The occasion which led him at this time to take so complete a survey of all his affairs was probably the falling in of a considerable addition to his fortune. On Saturday, July 16, 1608, William Mylle, Clerk of the Star Chamber, died, and Bacon, who had held the reversion since October, 1589, was sworn in the same day. He reckoned the place as worth £2,000 a year. This, added to the profit derived from his Solicitorship and his wife's fortune (both accessions of the year before), trebled his income, and made it a fit time to settle his arrangements for the future in accordance with his increased means. As the pages all bear a running title of *Transportata*, that is, notes transferred from a former note-book, I suppose that he had looked through all the memoranda of this kind that he had by him, and

gathered whatever he judged worth keeping into volume. He would probably alter and add what was transcribed, as well as omit; and therefore, though of the notes may have been of older date, we cannot distinguish the old from the new, and must treat them generally as belonging to this period. He calls the collection *Commentarius Solutus*, which may be translated "A book of loose notes:" and describes it as "like a merchant's waste-book; where to enter all manner of remembrance of matter, form, business, study, touching myself, and others; either sparsim or in schedules, without any manner of restraint; only this to be divided into two books. The one *Transportata ex commentario veteri*, containing all manner notes already taken in several paper books to be retained (except it be such as are reduced to more perfect form); The other *Commentarius novus*. What we have here belongs to the first book only; the other I have not found any traces anywhere.

He appears to have devoted the first day to the settling down of everything he could think of for the husbandry of his income, the improvement of his fortunes, an arrangement of his business; how to have command ready money in case he wanted it; how to maintain and increase his credit with the King and the Earl of Salisbury (now Lord Treasurer) by acceptable service; what subjects to attend to, what advices to offer, what care to be prepared in; how to increase his practice, and his business to his own office; what suits to move for himself, and how to give evidence of his superiority to petitioners in diligence, zeal, and capacity; how to improve his personal acquaintance with the King and the councillors, and especially how to make himself useful and agreeable to Salisbury; what arrangements to make for the better administration of his new office, and to meet anticipated objections; what preparations to make for the next Parliament; what measures to

for the improvement of his lands and leases, and for the regulation of his household; what houses to think of for his dwelling (being now in want of a dwelling-place in the neighborhood of London, fitter for his new condition than his chambers in Gray's Inn), and other matters of the same kind. After which he proceeds to review the contents of his cabinet, and reconsider the distribution and order of his various books and papers; namely, five books of compositions, four of notes relating to the same, nine on matters connected with his profession, four on matters connected with his office, five relating to his personal affairs. And this appears to have been his first day's work, Monday, — 25th July.

On Tuesday, after suggesting to himself a more convenient arrangement of some of his note-books, he turns his attention to the fortunes of the Great Instauration; but this also in the way of business and management. The great object being to get help of able and influential persons in the furtherance of the work, he begins by considering who are likely to take an interest in it, and how they may be attracted. The King he had already appealed to in the "Advancement of Learning," and as there is no allusion to him here in connection with it, I suppose he had satisfied himself that there was no hope of effectual help from that quarter. The Prince was still a boy, but something might perhaps be made of him in due time. Now Sir David Murray was keeper of his privy purse, and Sir Thomas Chaloner had the charge of his person and household. Sir Thomas was an old acquaintance of Bacon's own, and though he does not appear to have known Sir David, he knew a man of the name of Russell who "depended upon him," — a man skilled in distillations, separations, and "mineral trials," who, if he could be interested in the cause, might be a means of interesting the others. Then there was Sir Walter Raleigh, whose activity, confined within the walls

of the Tower, found exercise in experiments of chemistry; and along with him the Earl of Northumberland, professed patron of learning: both of them intimately connected with Thomas Harriot, the great mathematician; valuable allies all, if they could be procured. What else? The men whose profession brought them into contact with natural science were the physicians, though for the most part they kept the beaten way, and stood by the received rules of their art. William Harvey, a young man of thirty, had been elected the year before a fellow of the College of Physicians, and was rising into distinction. But the great discovery which made his name so famous was of much later date, and if Bacon was acquainted with him at this time, of which I find no evidence, he could not hope for much help or sympathy from so orthodox an Aristotelian. The likeliest he could think of that day were Paddy and Hammond, the Court physicians, whose names will perhaps be remembered hereafter in connection with the note; though I do not find that anything came of it. Meantime Russell (the man of distillations and separations already mentioned) and Poe (who was Salisbury physician) might help him with collections of experiments in their art, and (being judiciously cultivated with information as to the tastes of such great persons) they attended. Then for men of general learning, there was the Archbishop of Canterbury, — "single," therefore a man whose means were available for public objects; "glorious," therefore one who might be attracted by the greatness of the enterprise, and "believing to sense," that is (I suppose) willing to learn from nature and experience as well as from the schools. Could any impression be made upon him? Bishop Andrewes had already shown himself interested in Bacon's general speculations, and was to some extent, it seems, a believer in experiment. He had wealth to bestow, and being single

might bestow it on mankind; was obviously, therefore, a man to be engaged if possible in the great work. "Learned men beyond seas" were also to be thought of, but no name is suggested. Nor does he appear to have been able to think of any one else in particular, upon whom he could count as yet for effectual assistance by wit or purse or power or sympathy, unless it were his own nephew Edmund Bacon, eldest son of his half-brother Sir Nicholas, who seems to have shown a taste for science, and whose acquaintance he begins by reminding himself to cultivate.

So far, the prospect did not seem very encouraging. The bell he had rung "to call other wits together" had attracted but a small company. Yet the work, though it might be designed by one man, could not be accomplished, nor even materially advanced, without the co-operation of many; and means must be thought of to find them, and draw them in. This was to be done in two ways: one, by appealing to men's reason and imagination through a general exposition of the grounds of hope, and a general indication of the results that might be hoped for; the other, by exhibiting (if possible) a sample of the work itself, in some one positive and substantial discovery, made out by patiently following the true method of inquiry through all its processes to its legitimate conclusion.

With a view to the first of these, he had already composed his "*Cogitata et Visa*," which traverses all the ground, and he must think of the fittest persons to whom he should "impart" them. Upon which thought follows a page of notes for points to be remembered in treating that argument, and queries as to the best way of setting it forth; in which it is easy to trace the germ of several subsequent writings, which, passing through various intermediate forms, developed at last into the first book of the "*Novum Organum*." But the "*Cogitata et Visa*"

was designed to be an introduction to a specimen of the true method applied, and resulting in some "axiom;" and for this purpose he had selected three special subjects of investigation: Motion, Heat and Cold, and Sound. The appearance of vibration perceptible in the common actions of heat and sound had probably suggested to him that they were modes of motion; and that if we could thoroughly understand the nature of motion itself we should have the master-key to all such mysteries. On these three subjects he had begun to make what he called "tables;" that is, collections of phenomena classified according to his idea of the true method — the *Edum Labyrinthi*. And it would be well to postpone his attempt to draw in the Bishops till one or other of these were "some forwardness."

But this was only for an example of the way in which the work must be done; the way in which the materials when gathered must be used. How to procure help towards the collection of the materials was to be thought of. Two portions, as of most value for his purposes, appear to have been uppermost in his mind that day: 1. a history of marvels, that is of nature erring or varying from her usual course; for "from the wonders of nature is the nearest passage and intelligence towards the wonders of art," and "it is no more but by following and as it were bounding, nature in her wanderings, to be able to lead her back to the same place again;"<sup>1</sup> 2. a history of the observations and experiments of mechanical arts; for "like as a man's disposition is not well known till it be crossed, nor Proteus ever changing shapes till he was straitened and held fast, so the passages and variations of nature cannot appear so fully the liberty of nature as in the trials and vexations of art."<sup>2</sup> But how were such histories to be obtained? Without "command of wits and pens." Could he himself

<sup>1</sup> *A Treatise of Learning*.

<sup>2</sup> *Ibid*.



get transferred to some office which would give it? Some office of authority, for instance, in some place devoted to learning. And then he thought of Westminster, Eton, Winchester, Trinity or St. John's in Cambridge, Magdalen in Oxford; and of bespeaking some appointment of the kind betimes, with the King and the chancellors of the two universities, namely, Archbishop Bancroft and Salisbury. Could he in the mean time, by his personal authority, awaken a hope and zeal in that direction, inspiring confidence in others by assuming it himself, like a prophet who comes in his own name? Could he do anything with the young scholars in the universities? for "it must be the *post-nati*," and not the grown-up generation, from whom his help should come. How if pensions could be assigned to a certain number of persons, that they might devote themselves to the work? Or how if a college could be erected for the special study of the art of invention? — a college furnished with all the requisite appliances, books, engines, vaults, furnaces, terraces, workshops, allowances for travelling and experiments, arrangements for intelligence and correspondence with the universities abroad, orders and regulations ("mixed with some points popular, to invite many to contribute and join"), honors and rewards to excite ambition; as, for instance, galleries "with statues of inventors past, and spaces or bases for inventors to come," waiting for the deserver; a rudiment, in short, of Solomon's House?

But all these things depended on coöperation, and the immediate business was to get on with that part of the work which one man could do. And then he proceeded to set down the scheme of a complete investigation, *Inquisitio legitima*. "*Inquisitio legitima de Motu*," he had written first; but thinking it better to begin with the plan of a true inquiry in general, — the general form to be used in all inquiries alike, — he struck out *de Motu*.

and finished his day's work with a list set out in order, of the titles of the several sections and articles into which such an inquiry distributed itself.

On Wednesday he addresses himself to the particular subject of Motion, and sets down all the heads of inquiry he can think of; which fill eleven pages of the manuscript; a curious piece of labor, and interesting as a specimen of his manner of proceeding at that time in such investigations, and as an evidence of the hopefulness of his nature, which could look without despair upon the problem which presented itself; but otherwise, I suppose, not now of any value.

Having thus devoted Monday to his own fortunes, Tuesday and Wednesday to the fortunes of the human race, he turns on Thursday to the consideration of the fortunes of his country. Among the subjects which he had noted on the first day as to be borne in mind in corresponding with Salisbury, one was (if I have interpreted the abbreviated words rightly) the twofold policy to be pursued in regard to "empty coffers and alienation of the people;" how to find means to replenish the exchequer without entering on courses which would excite popular odium. And this appears to have been the subject of his meditation on Thursday morning. It was, no doubt, the Sphinx's riddle of the day, upon the solution of which followed sovereignty, upon the failure to solve it civil war. His meditations took the form of notes for some memorial of advice, but of so private and confidential a nature that he seems to have been unwilling to confide it even to his private notebook. For whereas the notes of the last day and the day before, though short, are written so as to be intelligible to anybody, the notes for this political memorial or meditation or whatever it was to be, are set down so obscurely that their import can only be guessed at here and there, and I suppose nobody but himself could have supplied a full inter-

pretation. Thus much, however, may be collected from them, that the problem he was considering was how best to avoid the danger which threatened the Crown from the poverty of the exchequer; and that the particular danger which he apprehended was a revolt in Scotland. He then proceeds to note "the greatness of some particular subjects" or bodies, including the Privy Council, the Lower House in Parliament, and the nobility of Scotland; but whether as elements of the danger, or resources for encountering it, does not clearly appear. He thinks of the office of Lieutenant-Constable, in connection apparently with the possible "absence of the Prince, if he come to the Crown, by wars." He speculates upon "confederacy and more strait amity with the Low Countries," with an aim, I imagine, to prepare for a bolder and more active foreign policy. Then he turns to internal reforms: the "limitation of jurisdictions," with a view, no doubt, to quiet the disputes between the several courts of justice, which in this season of peace were disturbing the tranquillity of the country; the compounding and collection of new laws; the "restoration of the Church to the true limits of authority since Henry VIII.'s confusion; all measures fit to occupy the attention of Parliament, and divert it from the struggle with the Crown for power. It seems also as if he had thought of recommending some abatement of the pretensions of the Crown itself, and inspiring the King with an ambition to seek his greatness in establishing a more popular form of government; for he speaks of "books in commendation of monarchy mixed, or aristocracy," and of "persuading the King in glory, *Aurea condet arcula*." Then follows something about the choice of fit persons to be assumed, something which I think must refer to an aspiration he had conceived of succeeding himself to Salisbury's late office of Secretary; and something about winning Salisbury "to the point of policy" — meaning, probably, the

policy for avoiding popular disaffection ("*Surdia medir*," he adds, "*cure aliter*"). But the meditation concludes with a memorandum to "finish his treatise of the greatness of Britain, with aspect, ad Pol." (which means I suppose, with reference to the policy which the time required), and with the two following notes, which serve to explain intelligibly enough what that policy was. The letters within brackets are inserted by conjecture.

"The fairest, without dis[order] or per[il] is the gener[al] persuad[ing] to K. and peopl[e] and course of insuaging everywhere the foundat[ion] in this Isle of Mon[archy] in the West, as an apt seat, state, people for it. So civilizing Ireland, furdur coloniz[ing] the wild of Scot[land], Annexing the Low Countries.

"If anything be questio[ned] touch[ing] Pol[icy] to be turned upon the ampliation of a mon[archy] in the Royalty."

The best way, in short, to avoid the danger of popular discontent, concurring with dependence of the Crown upon popular support, was for the Crown to put itself at the head of some movement which should carry the sympathy and ambition of the people along with it. The wars with Spain in Elizabeth's time, and the boundless loyalty which rushed to James's assistance upon the discovery of the Gunpowder Plot, had proved how rapidly distastes and disputes could be forgotten under the excitement of a common passion; and a few years more showed, in the ready opening of the national purse upon the promise of a war for the recovery of the Palatinate that even when the disease had advanced much further the efficacy of that remedy might still be trusted.

Having concluded his meditations upon the political difficulty, he appears to have rested for a while. Returning presently to his work, and having first set down a few "forms," as he called them — thoughts neatly expressed, which had, perhaps, occurred to him in the in-

terval — and a few memoranda concerning his business and the improvement of his fortunes, similar to those which occupied him on Monday, he turns to the condition of his own dwelling at Gorhambury, which since his father's death had been allowed, owing to his brother's long absence and absorbing occupations and want of more than all his money for other things, to fall out of repair. Having now a fair prospect of an ample income, he could afford to commence the trimming of his grounds according to his taste; and he begins with "directions for a plot to turn the pond-yard into a place of pleasure," by enclosing and laying it out in broad walks and terraces, with banks and borders set with choice trees and flowers, and a lake in the middle with several islands in it, variously furnished and adorned for rest, exercise, and refreshment, and pleasure of eye, ear, smell, taste, and spirits. The design (which is written out without any abbreviations or obscurities, and in minute detail) appears to have been, in part at least, carried out: for it was in the neighborhood and view of these ponds that he afterwards built Verulam House, his favorite residence for summer.

After a few more memoranda of improvements to be made or thought of, which (with one exception to be noticed afterwards) I need not particularize, he proceeds to *Memoria Salutatoria*, — remembrances and observations concerning his own health: a curious and minute record of a contest with indigestion, and of the effects of it, bodily and mental. These also are written out quite fully and intelligibly, and may be read in the original without help. To medical men they may probably be interesting as a record of symptoms according to the patient's own interpretation of his own sensations, and as revealing, through the better light of modern science, the real state of Bacon's case and constitution. Unprofessional readers will be content with inferring that he suffered much from what we now call dyspepsia, accom-

panied with a very sensitive nervous system, through which it affected the imagination. Knowing to what disturbance was due, he did not yield to the delusion but the disorder to which he continually refers under the name of "his symptom," is described as "melancholy," "doubt of present peril," "strangeness in beholding," "darkness," "inclination to superstition," "cleanness," etc.; and must, I think, have been an affection of the same kind as that from which Sir Walter Scott after his great troubles came upon him, suffered occasionally. The resemblance of the description in the two is indeed in some respects so striking that it may be worth while to place them side by side.

"I have hinted in these notes" (writes Scott in his Diary, March 13, 1826) "that I am not entirely free from a sort of gloomy fits, with a fluttering of the heart and depression of spirits, just as if I knew not what was going to befall me. I can sometimes resist this successfully, but it is better to evade than combat it." Again on the 14th, "What a detestable feeling this fluttering of the heart is! I know that it is nothing organic and it is entirely nervous; but the sickening effects of it are dispiriting to a degree. Is it the body that brings it to the mind, or the mind that inflicts upon the body?" Again, later in the same day apparently, "It was the fiddle, after all, was out of order, not the fiddlestick that walked out. . . . Since I had scarce stirred to take exercise for four or five days, no wonder I had the grubs. It is an awful sensation though, and would have made an enthusiast of me if I had indulged my imagination on devotional subjects. I have been always careful to place my mind in the most tranquil posture which it can assume during my private exercises of devotion."

Though Bacon does not mention any "fluttering of the heart," the effect on the mind and spirits, the "inclination to superstition, and doubt of present peril," s

to have been the same. But in one respect there is a singular and unexpected contrast between the cases. The attack which led Scott to mention it came upon him when he was surrounded with melancholy circumstances, — his fortune going backward, his wife dying, his preparations for removal from Abbotsford; whereas it was upon the *amendment* of his fortune that Bacon seems chiefly to have experienced these sensations. "I have found" (he writes) "now twice upon amendment of my fortune, disposition to melancholy and distaste, especially the same happening against the long vacation when company failed and business both; for upon my solicitor's place, I grew indisposed and inclined to superstition. Now, upon Mill's place, I find a relapse unto my old symptom, as I was wont to have it many years ago, as after sleeps, strife at meats, strangeness, clouds," etc.

I am not sure that I know what he means by "after sleeps," but there is another note concerning a habit of sleeping out of season, which affords a striking illustration (though few people, I suppose, will think it a strange one) of the tyranny of the body over the mind, even where the desire to resist it is unquestionably sincere. "I do find (he says) nothing to induce stopping more, and to fill the head and to induce languishing and distaste and feverous disposition, more, I say, than any manner of offer to sleep at afternoon, either immediately after dinner or at four of clock. And I could never yet find resolution and strength in myself to inhibit it."<sup>1</sup>

The *Memorie Valetudinis* being finished, he proceeds — still on the same day — to draw up a complete inventory of his property, real and personal, with all particulars, — land, woods, houses, fees, offices, plate and jewels, debts, expectations, — everything; each item separately valued by estimate or by actual return, both as to its present

<sup>1</sup> Sir W. Scott also mentions in his Diary the falling asleep for a few minutes in his chair, at a habit which grows upon him more than he could resist.



selling value and as to its annual proceeds. At the end of the account he finds his property of all kinds worth ("as in *pretio* to be sold") £24,157, and in annual revenue £4,975. To be set off against which, he further finds that his debts of all kinds amount to £4,481, of which those bearing interest rise to £2,925. The rate of interest is not stated, nor is any estimate set down of the annual charge with which his income was burdened on that account. But at 10 per cent. it would be a little under £300.

Having thus made out the present state of his property as exactly as he could, he returns once more to politics and business. One of the first memoranda which he had set down on the 25th, was the "being prepared in the matter of prohibitions," — which was a dispute of considerable constitutional importance between the Courts at Westminster and the Provincial Councils in Wales and the North, as to their several jurisdiction. On this subject, and some others, especially the course to be taken with Papists and Recusants, the King had held a special conference with some of the judges as long ago as the 15th of February, 1607-8: of the effect of which Bacon (who attended no doubt as Solicitor General and one of the Learned Counsel) had made a note at the time. This note he now transcribes at length, and as the report of a more than ordinarily competent eye-witness on matters which history still discusses with eager interest, it has a historical value.

After this follow some notes of the same kind as those with which he occupied himself on Monday: remembrances of points to be observed in his course of official service, with a view not only to get the work effectually done, but to make it show to the best advantage, and recommend him personally to favor and advancement. Now, upon some of the practices which he here suggests and prescribes to himself, a question may be justly raised

how far such an intention is consistent with a sound morality. And though my office is to report facts and not to deliver censures, and I prefer for my own part to postpone judgment until the case is all before me, it may be well perhaps to interpose a caution or two for the consideration of those who cannot wait so long.

It must not be forgotten then, that we see here not only thoughts and intentions half formed and imperfectly explained, but we see the seamy side of them, which in other cases is kept out of view. Bacon liked to call things by their true names; and if he ever thought fit to deceive his neighbor, did not think fit to deceive himself by disguising the real nature of the act under a euphemism. Now, most of the little arts of social intercourse which are practiced generally and with general approbation under the gracious names of tact, good-breeding, and the like, are in fact modes of concealing truth or conveying falsehood. A man who pretends to be listening with earnest interest to a story which does not interest him at all, and to which he is in fact not listening, means no doubt to deceive the story-teller. A man who affects to be sorry that he cannot do a thing which he is at the very time delighted to find a plausible excuse for refusing to do, means no doubt to deceive the proposer. The intercourse of a civilized man with those whom he wishes to stand well with is rarely free from acts, deliberately intended and executed, which cannot be truly described without epithets which no man likes to hear applied to any acts of his own. The consequence is that they never, or very rarely, are truly described. When such things are done purely for the sake of others — to avoid giving others pain — they are not called or thought wrong at all, but counted among the minor virtues. Even when done for a man's own benefit, if it be for an end which is itself fair and reputable and unattainable otherwise, — such as a seat in the House of Commons, — they are at least

freely allowed: a man is not thought worse of for being known to have done such things, and probably would be thought worse of, at least by one party, if he lost his election through a conscientious determination to abstain from them, — a conscientious determination, for instance, to exhibit in his canvass or on the hustings no emotion which he did not feel. But in all these cases society makes a compromise between its interests and its principles by looking only at the outside of the transaction and ignoring its true name and real nature. If, therefore, we are to make a just comparison between Bacon's morality and other men's or our own, we must do one of two things. We must either look only at the outward face of *his* actions, without reference to the true names which he gave them in his note-book, or we must supply the true names of our own and not look at the outward face only. It does not much matter which we do; and upon a comparison made either way, I doubt whether it will appear from any evidence supplied by this book that in such matters he permitted himself a greater license in practice than is still the fashion among respectable men of business, or than he was himself in theory prepared to avow and justify. His theory he has himself explained in a book which was meant to last and bear witness. Speaking in the "Advancement of Learning" of certain courses imputed to some learned men which he admits to be "base and unworthy," he makes a special reservation in favor of one class, and into that class the practices revealed in these notes which will probably be selected as most questionable will be found to fall.

"Not (he says) that I can tax or condemn the morigeration or application of learned men to men in fortune. For the answer was good that Diogenes made to one that asked him in mockery *How it came to pass that philosophers were the followers of rich men, and not rich men of philosophers?* He answered soberly and yet sharply,

*Because the one sort knew what they had need of and the other did not.* And of the like nature was the answer which Aristippus made, when, having a petition to Dionysius and no ear given to him, he fell down at his feet, whereupon Dionysius stayed and gave him the hearing and granted it; and afterward some person tender on the behalf of philosophy reproved Aristippus that he would offer the profession of philosophy such an indignity as for a private suit to fall at a tyrant's feet: but he answered *That it was not his fault but it was the fault of Dionysius, that had his ears in his feet.* Neither was it accounted weakness, but discretion, in him that would not dispute his best with Adrianus Caesar; excusing himself, *That it was reason to yield to him that commanded thirty legions.* These and the like applications and stooping to points of necessity and convenience cannot be disallowed; for though they may have some outward baseness, yet in a judgment truly made they are to be accounted submissions to the occasions, and not to the person."

The notes which implicate Bacon himself in this kind of "morigeration," though if collected and set out by themselves they would make a considerable show, are so few in proportion to the whole that in seeking for illustrations it is not easy to light upon them. But here is one which will answer the purpose as well, perhaps, as any. I may assume, I suppose, that there is no immorality in a Solicitor General wishing to become Lord Chancellor. The choice of his Lord Chancellor lay in those days with the King, and the King's choice would naturally be influenced by the opinions and wishes of those about him. The Earl of Suffolk was Lord Chamberlain of the Household, and a man considerable enough to be selected a few years after for Lord Treasurer. There was no great harm in wishing to be the man whom the Earl Suffolk would recommend, and if he shared the common infirmity of thinking highly of those who thought he

of him, a Solicitor General would, under those circumstances, naturally wish to show him as much respect as he could. I have not met with any letter or speech or anecdote which represents the manner in which Bacon was in the habit of expressing his respect to this Earl, nor do I remember to have met with any which represents the manner in which he was addressed by Coke or Dodderidge or Hobart. But if anything of the kind should turn up, I should expect to find it conceived in a spirit of great respect and deference. Such would be the outward face of a transaction which would scarcely be censured as unbecoming, even by those who did not believe that the Earl deserved all the deference that was expressed. And yet if we were permitted to look behind and see the seamy side, we should probably find that it proceeded rather from a desire to make him believe that he was an object of reverence than from any genuine overflow of that emotion, — a desire, in fact, as Bacon frankly expresses it in his private meditation, to “make him think how he should be revered by a Ld. Ch<sup>r</sup>, if I were.” Such would be the same transaction seen from within a transaction which Bacon would have excused as “a submission to the occasion,” and which (whether excused or not) is one of a very numerous family, still flourishing in all departments of civilized society. I do not myself, however, recommend it for imitation; and if it be true that no man can be known to do such a thing in these days without forfeiting his reputation for veracity, — I am glad to hear it.

After this it is needless to say anything about devices for drawing the great councillors into private conversation in public places, and for making conspicuous his own care and diligence in his service and profession; these being merely arts of politic ostentation, involving no breach of any moral law. But there are one or two other passages that are likely to catch careless eyes, and

to be alleged in support of a charge in the opposite direction, — a charge of saying, not what he did not think, but what he did think; and upon them I wish to say a few words.

In my account of the subjects of his meditation on Monday I mentioned the giving evidence of his superiority to competitors in diligence, zeal, and capacity. The note I was more particularly thinking of was one which begins, "To have in mind and use the Attorney's weaknesses," and proceeds to enumerate various cases which Bacon thought the Attorney General had mismanaged, and certain qualities in which he found him deficient. To this subject he recurs on the 29th in a note headed "Hubbard's disadvantage," in which the criticism is repeated with additions and improvements, and hints are set down for a very lively, and I have no doubt a very true description of the man. Now an unfavorable opinion of one artist delivered or conceived by another artist in the same line is, for some reason or other, always accounted an offense and a transgression. In that relation, to speak the truth seems to be considered wrong. Though an artist in the same line is, of all other men, the best qualified to see, and the least capable of overlooking, the defects of an artist's work, he is the one man who is forbidden to take notice of any defect in it whatever; and criticisms upon an Attorney General, which in any other mouth would be thought just, sagacious, and discriminating, coming from the mouth of a Solicitor General, must expect no better name than detraction. But though I am prepared to hear the censure, I am not prepared to admit the justice of it. Bacon had served with Sir Henry Hobart in Council and in Parliament for more than two years. He had been familiar with the business of a law-officer of the Crown for nearly twenty. No man had had better opportunities of knowing what an Attorney General

ought to be and what Hobart was : and if he thought he did his work badly, I cannot see what should have forbidden him to say so, — especially being ready at any moment not only to show how it might be done better, but to take it in hand and do it. Of the external action, however, in which these private meditations issued, — of the use he actually made of the list of weaknesses which he had collected, — no record remains. All we know is that he succeeded six years after in getting Sir H. Hobart transferred to a place of higher dignity for which he thought him less unfit ; which was so far well, and would have been better if it had been sooner.

Another note which, though very short in itself, and the interpretation very doubtful, is pretty sure to be seen and interpreted, will probably suggest an imputation of another kind : and as it is one from which Bacon's reputation has not hitherto suffered, it is worth while to inquire concerning this also, how much it comes to. The old Lord Treasurer Dorset had died suddenly at the council-table about three months before ; and there are two memoranda in this note-book relating to his widow. The first is merely to send her "a message of compliment ;" and being entered in company with religious reflections suited for consolation upon the death of the old and eminent, would not by itself be taken to indicate anything more than a proper attention to an old lady who had lost her husband, and with whom he was probably more or less acquainted. But when, two days after, we find another memorandum in these words, "Applying myself to be inward with my Lady Dorset, per Champners ; *ad utilit. testam.*," we cannot avoid the inference that among his motives for desiring to improve his acquaintance with her, one was the hope of influencing in some way the disposal of her property after her death ; and the question is how much we are to infer from that. In *what* way, — with a view to "utility" in what sense, —



he wished to use his influence, we are left to conjecture. That he was thinking of a legacy for himself, — unless we suppose, what is not probable, that he stood in some relation to her which gave him a right to expect it, — though it is the interpretation of the words which will occur to everybody at first, will seem, I think, less likely the more it is considered. Had he been *already* “inward” — that is, intimate — with Lady Dorset, he might perhaps have been suspected upon this evidence of a design to improve the intimacy for his own benefit; though we have no other evidence that he ever either sought or received any legacy from anybody, except his father. But to apply himself, through the mediation of another person, to become intimate with a lady who cannot have been less than seventy years old, in the hope of obtaining a legacy for which he could allege no ostensible claim on the ground of kindred, service, custom, or humanity, seems to me an enterprise too unpromising to be so much as thought of: it was so very late in the day to start. Nor is it at all necessary to suppose that the “utility” intended was of this kind. Bequests for objects of general beneficence were the fashion of that time. Whenever money is to be left, there are better and worse ways of disposing of it: and Bacon may have wished to guide the beneficence into right channels. We have already seen how he proposed to utilize the union of riches and single life in the Archbishop of Canterbury and Bishop Andrews: he hoped to engage it in the service of the “Great Instauration.” We shall see hereafter how much he busied himself (near about this time) to mend the conditions of the great Charter-house charity, commonly described as “Sutton’s will,” — a public bequest in which he had no private interest whatever, — merely because he thought it unwise and a mistake. And he may have thought that the widow of a chancellor of a university, herself well left and her family abund-

antly provided, might be disposed or disposable to bestow part of her wealth upon some measure for the advancement of learning, — pensions, for instance, to compilers of natural history, or the foundation of a college for inventors. Not that I suppose if he had any reasonable prospect of a legacy for himself, he would have thought it either wise or virtuous to throw away the chance for want of a little civility and attention; but the other supposition seems to me more probable.<sup>1</sup>

If we could know the dates at which the several parts and rudiments of the "Instauratio Magna" were composed, we should probably find that this vacation was one of its most fruitful seasons. But of those writings which can be referred with certainty to the summer of 1608, the most important to posterity is the Latin treatise "*In Felicem Memoriam Elizabethæ*." It is an accident that enables us to date it, but the evidence is, I think, conclusive. Chamberlain, writing to Carleton on the 16th of December, 1608, mentions it as a new thing which he has just been reading; and from the letter which comes next we learn that it was written "this last summer vacation."

The severe laws passed by the Parliament of 1606 against the Roman Catholics, which were the natural consequence of the Gunpowder Plot, had, by a consequence no less natural, provoked vehement remonstrances and recriminations on their part, and given rise to a great war of the pen. The Pope had issued his *Brevés* forbidding the faithful to take the proposed oath of allegiance. The King had written a book in vindication of it. Other pamphleteers, great and small, had entered into the controversy; and all old scandals against Protestant Princes and Parliaments had been revived and brought into ac-

<sup>1</sup> It has been suggested to me, as a simpler explanation, that the *stipend* referred to was merely a meagre and unglorious pension connected with Lord Dorset's estate, which would not doubt give work to lawyers. But I am not well enough acquainted with the practice of the time in such matters, to judge whether this was likely.

tion. Among the rest there appeared at Paris in 1607 a book entitled "Examen Catholicum Edicti Anglicani, quod contra Catholicos est latum, Auctoritate Parlamenti Angliæ, Anno Domini M. D. C. VII. Auctore Stanislawo Cristianovic. I. C.", five or six pages of which in the introductory part are occupied with a collection of all the evil that had ever been uttered against Queen Elizabeth; with additions of the writer's own, gathered during a visit to England the year before. This, or some other book of the same kind, suggested to Bacon the expediency of setting down in some permanent form his own impressions of her character and government. He knew that the falsehood of a story will not prevent it from keeping its place in history, if it once get admitted with a good introduction and without audible protest. And as so eminent a man as the President De Thou was known to be engaged in writing a history of his own times (a portion of it had been printed at Paris three or four years before), it was very desirable that he should be supplied with true information about Elizabeth, and thereby guarded against impressions derived from the floating literature of Paris, and such anecdotes as this Parisian Jurisconsult was ready to accept for historical. Accordingly, without noticing the particular calumnies which he meant to explode (for so the very repetition of them would have kept their memory alive), he took for his ground the conspicuous and indisputable fact that Elizabeth reigned full forty-four years in difficult times, without any reverse or decline of fortune; and by way of indirect retort to the Pope's description of her as *miseræ femina*, proceeded to number up the particulars in which her life and government were to be regarded as remarkable for felicity; taking occasion at the same time to correct by anticipation or by implication such misconceptions of her character as had obtained currency in respectable quarters; and with regard to the

Roman Catholics especially, entering into a formal and detailed vindication of her policy and proceedings:—a vindication which was indeed substantially a repetition of what he had twice before taken pains to put forward: first, in the letter addressed by Walsingham to a Secretary of France, in 1580; and afterwards, in his "Observations on a Libel," in 1592.<sup>1</sup> The correction of these misconceptions being more wanted abroad than at home, he now wrote in Latin: but though he thought well enough of the work to name it in one of his wills as a thing which he particularly wished to be published, he contented himself for the present with circulating manuscript copies among his personal acquaintance. One of these he sent to Sir George Cary, then ambassador at Paris, with a letter which sufficiently explains his purposes and wishes.

The memorial itself—a grave and weighty testimonial, deserves the serious consideration of every one who wishes to understand Elizabeth; for Bacon had particularly good means of knowing the truth of what he tells, and no motive in telling it except a desire to bear witness to the truth—will be found in Bacon's Works, Vol. II., Part I., p. 413; translated, with a preface in which I have told what I know about it.

The letter comes from Bacon's own collection.

TO SIR GEORGE CARY, IN FRANCE, UPON SENDING HIM  
HIS WRITING "IN FELICEM MEMORIAM ELIZABETHÆ."

MY VERY GOOD LORD, — Being asked the question by this bearer, an old servant of my brother Anthony Bacon, whether I would command him any service into France, and being at better leisure than I would, in regard of sickness, I began to remember that neither your business nor mine (though great and continual) can be upon an exact account any just occasion why so much good will as hath passed between us should be so much discontinued

<sup>1</sup> See pp. 42, 67.

as it hath been. And therefore, because one must begin, I thought to provoke your remembrance of me by my letter. And thinking how to fit it with somewhat besides salutations, it came to my mind that this last summer vacation, by occasion of a factious book that endeavored to verify *Misera Famina* (the addition of the Pope's Bull) upon Queen Elizabeth, I did write a few lines in her memorial, which I thought you would be well pleased to read, both for the argument, and because you were wont to bear affection to my pen. *Verum, ut aliud ex alio*, if it came handsomely to pass, I would be glad the President De Thou (who hath written a history, as you know, of that fame and diligence) saw it; chiefly because I know not whether it may not serve him for some use in his story<sup>1</sup>; wherein I would be glad he did right to the truth, and to the memory of that Lady, as I perceive by that he hath already written he is well inclined to do. I would be glad also it were some occasion (such as absence may permit) of some acquaintance or mutual notice between us. For though he hath many ways the precedence (chiefly in worth), yet this is common to us both, that we serve our sovereigns in places of law eminent: and not ourselves only, but that our fathers did so before us: and lastly, that both of us love learning and liberal sciences, which was ever a bond of friendship in the greatest distances of places. But of this I make no further request than your own occasions and respects (to me unknown) may further or limit; my principal purpose being to salute you, and to send you this token: whereunto I will add my very kind commendations to my Lady; and so commit you both to God's holy protection.

The records of Bacon's official work are unusually scanty during the year 1609; but we have, on the other hand, more news than usual of a work which is as much

<sup>1</sup> De Thou did make large use of it.

more interesting to us now, as it was to himself then. Owing to the banishment of his friend Toby Matthew, by which a personal intercourse which would have passed unrecorded was turned into an intercourse by letters, some of which have been preserved, we get this year a little information as to the progress of the "Great Instauration." Most of the letters are unluckily without date, and the writings inclosed or referred to are not always recognizable by the description. But the allusions are intelligible enough to justify a conjecture as to the order in which they were written.

Some of them come from his own collection, and some from Sir Toby Matthew's; and I have arranged them in the order which seems to me most probable. As to the particular dates of each, there is scarcely enough to hang a conjecture on. Toby Matthew, as I have already had occasion to observe, appears to have purposely obliterated or disguised names and particulars; and if the headings were inserted by himself (which is doubtful — for the collection was not published till after his death) we must conclude that he had either forgotten the dates or intended to confuse and conceal them.

The first letter comes from Bacon's collection; and must have been written late enough in 1609 to allow time for the news of Duke Ferdinand's death (17 Feb., 1608-9) to have reached England; and probably not much later; because it carried a copy of the "*In Felicem Memoriam Elizabethæ*;" of which there were copies in circulation as early as December, 1608.

A LETTER TO MR. MATTHEW, TOUCHING "INSTAURATIO MAGNA."

MR. MATTHEW, — I heartily thank you for your letter of the 10th of February, and am glad to receive from you matter both of encouragement and advertisement touching my writings. For my part I do wish that since there

is almost no *lumen circum* in the world, but all *madidum* and *maceratum*, infused in affections and bloods or humors, that these things of mine had those separations that might make them more acceptable; so that they claim not so much acquaintance of the present times, as they be thereby the less like to last. And to show you that I have some purpose to new-mould them, I send you a leaf or two of the Pre-face, carrying some figure of the whole work; wherein I purpose to take that which I count real and effectual of both writings; and chiefly to add pledge if not payment to my promise. I send you also a memorial of Queen Elizabeth, to requite your elogy of the late Duke of Florence's felicity. Of this, when you were here, I showed you some model: though at that time methought you were more willing to hear Julius Cæsar than Queen Elizabeth commended. But this which I send is more full, and hath more of the narrative; and further, hath one part that I think will not be disagreeable either to you or that place; being the true tracks of her proceedings towards the Catholics, which are infinitely mistaken. And though I do not imagine they will pass allowance there, yet they will gain your excuse. I find Mr. Le Zure to use you well (I mean his tongue of you), which shows you either honest or wise. But this I speak merrily. For in good faith I do conceive hope that you will so govern yourself, as we may take you as assuredly for a good subject and patriot, as you take yourself for a good Christian; and so we may again enjoy your company, and you your conscience, if it may no otherwise be. For my part, assure yourself that (as we say in the law) *mutatis mutandis*, my love and good wishes to you are not diminished. And so I remain —

The next letter comes from Sir Toby Matthew's collection, where it is printed with the following heading:



"Mr. Bacon, by way of advertisement of several things in a familiar way, to the same friend and servant of his." This, if correct, would imply that it was written before the 28d of July, 1603, when Mr. Bacon became Sir Francis: but that cannot be; for the "Advancement of Learning" was not then in existence. The evidence of the heading being set aside therefore as inadmissible, we are left free to choose the date which seems likeliest. And the terms in which Matthew's state of mind is spoken of, in connection with "loyalty," "honesty," "native country," and "trust with the state," seem to me to carry a silent allusion to his change of religion: in which case it cannot be placed earlier than 1608. How much later I find no means of determining.

## TO MR. MATTHEW.

SIR, — Two letters of mine are now already walking towards you; but so that we might meet, it were no matter though our letters should lose their way. I make a shift in the mean time to be glad of your approaching, and would be more glad to be an agent for your presence, who have been a patient by your absence. If your body by indisposition make you acknowledge the healthful air of your native country, much more do I assure myself that you continue to have your mind no way estranged. And as my trust with the state is above suspicion, so my knowledge both of your loyalty and honest nature will ever make me show myself your faithful friend without scruple. You have reason to commend that gentleman to me, by whom you sent your last, although his having travelled so long amongst the sadder nations of the world make him much the less easy upon small acquaintance to be understood. I have sent you some copies of my book of the "Advancement," which you desired; and a little work of my recreation, which you desired not. My "Instauration" I reserve for our conference; it sleeps not.

Those works of the *Alphabet* are in my opinion of less use to you where you are now, than at Paris: and therefore I conceived that you had sent me a kind of tacit countermand of your former request. But in regard that some friends of yours have still insisted here, I send them to you: and for my part, I value your own reading more than your publishing them to others. Thus, in extreme haste, I have scribbled to you I know not what, which therefore is the less affected, and for that very reason will not be esteemed the less by you.

What those "works of the alphabet" may have been, I cannot guess; unless they related to Bacon's cipher; in which by means of two alphabets, one having only two letters, the other having two forms for each of the twenty-four letters, any words you please may be so written as to signify any other words, provided only that the open writing contains at least five times as many letters as the concealed. It is not impossible that a man in Matthew's position may have needed a safe cipher, and may have needed it more at Paris than in Italy or Spain.

The next letter, which is from the same collection, is headed "Mr. Francis Bacon to a dear friend, concerning some of his works in writing." And here again the "Mr." must be wrong. The allusion to "that of Queen Elizabeth," coupled with the report he had received of it from "the *Leiger* at Paris," leaves no room for doubt that this letter was written while Sir George Cary was still ambassador in France; therefore before October, 1609; and though it contains no particulars which enable us to fix the exact date, I see nothing to prevent us from assigning it to the summer of that year; which, supposing the letter which conveyed the "*In Felicem Memoriam Elizabethæ*" to have been despatched in March or April, would allow time enough for the arrival of Matthew's answer.

## TO MR. MATTHEW.

SIR, — I thank you for your last, and pray you to believe that your liberty in giving opinion of those writings which I sent you, is that which I sought, which I expected, and which I take in exceeding good part; so good as that it makes me recontinue, or rather continue, my hearty wishes of your company here, that so you might use the same liberty concerning my actions which now you exercise concerning my writings. For that of Queen Elizabeth, your judgment of the temper and truth of that part which concerns some of her foreign proceedings concurs fully with the judgment of others, to whom I have communicated part of it; and as things go, I suppose they are likely to be more and more justified and allowed. And whereas you say, for some other part, that it moves and opens a fair occasion and broad way into some field of contradiction: on the other side it is written to me from the leiger at Paris, and some others also, that it carries a manifest impression of truth with it, and that it even convinces as it goes. These are their very words: which I write not for mine own glory, but to show what variety of opinion rises from the disposition of several readers. And I must confess my desire to be, that my writings should not court the present time, or some few places, in such sort as might make them either less general to persons, or less permanent in future ages. As for the "Instauration," your so full approbation thereof I read with much comfort, by how much more my heart is upon it; and by how much less I expected consent and concurrence in a matter so obscure. Of this I can assure you, that though many things of great hope decay with youth (and multitude of civil businesses is wont to diminish the price, though not the delight, of contemplations), yet the proceeding in that work doth gain with me upon my affection and desire, both by years and businesses. And

therefore I hope, even by this, that it is well pleasing to God, from whom and to whom all good moves. To Him I most heartily commend you.

At last we come to a letter with a date: a date which may be taken as conclusive of the time when it was written; and as no question that I know of depends upon the time when it was received, it will serve our purpose as well as if it had been despatched and delivered in due course. It is addressed to Toby Matthew, and was meant to accompany another piece of the "Instauratio Magna." Already in a former letter, as we have seen, he had sent him "a leaf or two of the Preface, carrying some figure of the whole work; wherein he purposed to take what he counted real and effectual of both writings." This may perhaps have been the very *Prefatio* which introduces the *Distributio Operis* (Vol. I., p. 119),<sup>1</sup> which was designed to stand as Preface to the whole "Instauratio," and the argument of which is thus announced: *De statu scientiarum, quod non sit felix aut in majorem modum auctus; quodque alia omnino quam prioribus cognita fuerit via aperienda ut intellectui humano, et alia comparanda auxilia, ut mens suo jure in rerum naturam uti possit.* "That the state of knowledge is not prosperous nor greatly advancing; and that a way must be opened for the human understanding entirely different from any hitherto known; and other helps provided; in order that the mind may exercise over the nature of things the authority which properly belongs to it." Whatever it was, it seems that Matthew highly approved and applauded it, taking exceptions however to some other parts of the work, as likely to offend the Churchmen. Bacon now proposed to send him another piece, — which is supposed by M. Bouillet<sup>2</sup> to have been the "Reclurgatio Philosophiarum." And certainly the terms in which it is

<sup>1</sup> Complete Works.

<sup>2</sup> *Historie Philosophie de Bacon*, vol. ii., p. 40.

spoken of are exactly applicable to that fine composition; the most perfect piece, perhaps, for form and execution that Bacon left behind him: in which, under the form of a speech supposed to be addressed by a philosopher in Paris to an assembly of sages, the whole subject of what he afterwards called the Idols of the Theatre is fully and finely handled.

The letter which was to have accompanied it comes from Bacon's own collection, and runs thus:—

A LETTER TO MR. MATTHEW, UPON SENDING TO HIM  
PART OF "INSTAURATIO MAGNA."

MR. MATTHEW, — I plainly perceive by your affectionate writing touching my work, that one and the same thing affected us both; which is the good end to which it is dedicate; for as to any ability of mine, it cannot merit that degree of approbation. For your caution for churchmen and church matters, as for any impediment it might be to the applause and celebrity of my work, it moveth me not; but as it may hinder the fruit and good which may come of a quiet and calm passage to the good port to which it is bound, I hold it a just respect; so as to fetch a fair wind I go not too far about. But the truth is, I shall have no occasion to meet them in my way, except it be as they will needs confederate themselves with Aristotle, who, you know, is intemperately magnified with the schoolmen; and is also allied (as I take it) to the Jesuits, by Faber, who was a companion of Loyola, and a great Aristotelian. I send you at this time the only part which hath any harshness; and yet I framed to myself an opinion, that whosoever allowed well of that preface which you so much commend, will not dislike, or at least ought not to dislike, this other speech of preparation; for it is written out of the same spirit, and out of the same necessity. Nay, it doth more fully lay open that the question between me and the ancients is not of the

virtue of the race, but of the rightness of the way. And to speak truth, it is to the other but as *palma* to *puppus*, part of the same thing more large. You conceive aright that in this and the other you have commission to impart and communicate them to others according to your discretion. Other matters I write not of. Myself am like the miller of Huntingdon, that was wont to pray for peace amongst the willows; for while the winds blew, the wind-mills wrought, and the water-mill was less customed. So I see that controversies of religion must hinder the advancement of sciences. Let me conclude with my perpetual wish towards yourself, that the approbation of yourself, by your own discreet and temperate carriage, may restore you to your country, and your friends to your society. And so I commend you to God's goodness.

GRAY'S INN, this 10th of October, 1609.

All this time the great pen-and-ink-war between the King and the Pope had been growing hotter and spreading wider. The King's book in defense of the oath of allegiance against the Pope's breve had been answered by Cardinal Bellarmine; and as it was not according to the laws of the duello that a Cardinal should be answered by a King, some champion of inferior rank had to be appointed to meet him, and the man chosen was Bishop Andrewes; one of many things which ought to be remembered to the credit of James's judgment and taste, better than they are.

"We say," says Chamberlain, writing to Carleton on the 21st of October, 1608, "that the Bishop of Chichester is appointed to answer Bellarmine about the oath of allegiance; which task I doubt how he will undertake and perform, being so contrary to his disposition and course to meddle with controversies." And again on the 11th of November, — "I thank you for your remonstrance of the French clergy, which will give me occasion perhaps

to visit the good Bishop of Chichester; though I doubt he be not at leisure for any bye matters, the King doth so hasten and spur him on in this business of Bellarmin's; which he were likely to perform very well (as I hear by them that can judge) if he might take his own time, and not be troubled nor entangled with arguments obtruded to him continually by the King."

In this warfare Bacon took no part, and apparently not much interest. He was in eager pursuit of an object to which he regarded such disputes as impediments. He saw that "controversies of religion hindered the advancement of the sciences;" and as the miller of Huntingdon prayed for peace among the willows, he prayed for peace among the theologians. I am not called upon therefore to enter further into that famous dispute, and I mention it chiefly for its bearing upon the date of the next letter. We hear of Bishop Andrewes's book being in the press in June, 1609. On the 22d of September he was translated from Chichester to Ely. If we suppose that about that time Bacon sent him a copy of the "*Cogitata et Visa*," with the last additions and amendments (for though we have heard of a work with that title being in circulation two years before, we must think that the copy which has come down to us was the fruit of more vacations than one), the letter which follows will need no further explanation or introduction. It comes from Bacon's own collection.

A LETTER TO THE BISHOP OF ELY, UPON SENDING HIS  
WRITING ENTITLED "*COGITATA ET VISA*."

MY VERY GOOD LORD, — Now your Lordship hath been so long in the church and the palace, disputing between kings and popes, methinks you should take pleasure to look into the field, and refresh your mind with some matter of philosophy, though that science be now through age waxed a child again, and left to boys and young



men; and because you were wont to make me believe you took liking to my writings, I send you some of this vacation's fruits; and thus much more of my mind and purpose. I hasten not to publish; perishing I would prevent. And I am forced to respect as well my times as the matter. For with me it is thus, and I think with all men in my case: if I bind myself to an argument, it loadeth my mind; but if I rid my mind of the present cogitation, it is rather a recreation. This hath put me into these miscellanies; which I purpose to suppress, if God give me leave to write a just and perfect volume of philosophy, which I go on with though slowly. I send not your Lordship too much, lest it may glut you. Now let me tell you what my desire is. If your Lordship be so good now, as when you were the good Dean of Westminster, my request to you is, that not by pricks, but by notes, you would mark unto me whatsoever shall seem unto you either not current in the style, or harsh to credit and opinion, or inconvenient for the person of the writer; for no man can be judge and party; and when our minds judge by reflection of ourselves, they are more subject to error. And though for the matter itself my judgment be in some things fixed, and not accessible by any men's judgment that goeth not my way; yet even in those things, the admonition of a friend may make me express myself diversely. I would have come to your Lordship, but that I am hastening to my house in the country. And so I commend your Lordship to God's goodness.

Another of the fruits of this year was his little book "*De Sapiencia Veterum*;" one of the most elegant of his works, and, in his own and the next generation, one of the most popular. It appears to have grown out of a thought dropped with much hesitation in the "*Advancement of Learning*;" where, speaking of "*Poëty Para-*

bolical,"—and that one of its uses is "when the secrets and mysteries of religion, policy, or philosophy are involved in fables or parables,"—he goes on, "in heathen poesy we see the exposition of fables doth fall out sometimes with great felicity, as in the fable that the Giants being overthrown," etc. . . . "Nevertheless in many the like encounters I do rather think that the fable was first and the exposition devised, than that the moral was first and thereupon the fable framed. . . . But yet that all the fables and fictions of the poets were but pleasure and not figure, I interpose no opinion. Surely of those poets which are now extant, even Homer himself (notwithstanding he was made a kind of Scripture by the later school of the Grecians), yet I should without any difficulty pronounce that his fables had no such inwardness in his own meaning; *but what they might have upon a more original tradition, is not easy to affirm*; for he was not the inventor of many of them."

From the manner in which it is expressed, I imagine the thought to have been at this time in the first stage of digestion. But following out the hint in the last sentence, he came afterwards to the conclusion that, long before the days of Homer and Hesiod, a generation of wise men had flourished on the earth who taught the mysteries of nature in parables; that after they and what they taught had alike passed away and been forgotten, the names and incidents of these parables still floated in tradition; but that they were then taken merely for tales of old times, and falling into the hands of poets and minstrels were altered, adorned, and added to at pleasure, without regard to the original meaning, till they settled into the shape in which we find them. The problem, therefore, was to get rid of the overgrowth, and to recover and interpret the original parable; and Bacon, having already made the trial upon three or four, followed it up in others,—collecting the incidents from a com-

parison of all extant traditions, and adding what he supposed to be the interpretations, — until he had enough to make a little volume. This he now published. His motive for doing so at this time — it came out about the end of 1699 — was not, I think, merely that it was a very pretty book showing reading and scholarship, setting forth certain favorite speculations of his own in a striking and attractive shape, and likely to raise his reputation among scholars; though that may seem motive sufficient; for it had never been his practice to publish small pieces. Old as he was and much as he had written, he had appeared as an author in print only twice before, and only once willingly; the "Essays" having been sent to the press as they were, only to rescue them from pirates. But he was now busily considering how the new ideas of the "Instauratio" might be introduced into the world with the best chance of favorable entertainment; and it occurred to him that if presented as treasures recovered from antiquity they would be more respectfully regarded than if propounded as his own. When among other measures for preparing men's minds to receive them, he suggested to himself the "discouraging scornfully of the philosophy of the Greeks, with some better respect to the Egyptians, Persians, Caldees, and the utmost antiquity, and the mysteries of the poets," he was probably thinking of these fables; and from a passage in the "Cogitata et Visa," where he observes how easy it would be to make out that the sages who flourished before the Greeks had a deeper knowledge of nature than they, and — as new-risen men seek to ennoble themselves by adopting ancient pedigrees — to father these ideas upon them, we know that he had in fact considered the point with the thought of making this use of it. He concluded, indeed, that the argument was too doubtful to be fairly employed in that way; yet he had still too strong a fancy for it himself to be content that it should be thrown

aside as worthless; and as the inquiry supplied him any rate with a handsome occasion for announcing it of his own for which he wished to bespeak a hearing, resolved to cast his bread upon the waters, trusting the world would find it in due time.

The value of the book to us does not depend upon acceptance of the theory on which it is constructed. If it did, it would hardly rise above the price of a curiosity. That a state of high intellectual cultivation may have existed on the earth, and disappeared with all its fruits and all its traditions, leaving no record of itself behind, is not altogether inconceivable, if we suppose that the art of writing, or of preserving writing in some durable material, was not among its inventions. If the preservation of any knowledge depend upon an unbroken succession of oral teachers, one or two unlucky generations might lose it beyond recovery. But it is harder to conceive that any such state could have existed without producing *works* of some kind, that could not have been easily obliterated. A war might interrupt the succession of teachers, but it would take a convulsion of nature to bury all evidence of works accomplished. The solution of the problem which modern inquirers, studying it with greater advantages, have arrived at, avoids this difficulty. Admitting — and so far agreeing with Bacon — that the existence of many of these fables cannot be satisfactorily accounted for without supposing that they grew out of earlier stories which contained an allegorical meaning, some kind, they look for the meaning which they contain in the very opposite direction. Instead of seeking in those earlier stories for shadows of profound science, they take them to have been the simplest expressions of the simplest conceptions of an age when abstract thought had not yet formed for itself a language to speak in, and all speech was metaphor. — to have represented in fact not the secrets and mysteries of nature, but

most obvious and ordinary phenomena: and had Bacon lived into the days of comparative philology and comparative mythology, I have little doubt that he would have accepted this solution as far easier and more probable than his own, and forthwith renounced all claim to have his ideas regarded as the property of a forgotten generation. To us, however, the ideas themselves are not the less valuable on that account: and I doubt whether any one of his works can be mentioned which contains within the same compass a greater variety of fine and original observation upon the various businesses and conditions of human life, more agreeably delivered, or more available for the instruction of modern men.

This is the little work of which he sent Toby Matthew a copy with the following letter; which comes from his own collection.

A LETTER TO MR. MATTHEW, UPON SENDING HIS BOOK  
"DE SAPIENTIA VETERUM."

MR. MATTHEW, — I do heartily thank you for your letter of the 24th of August from Salamanca; and in recompense thereof, I send you a little work of mine that hath begun to pass the world. They tell me my Latin is turned into silver, and become current. Had you been here, you should have been my inquisitor before it came forth: but I think the greatest inquisitor in Spain will allow it. But one thing you must pardon me if I make no haste to believe, that the world should be grown to such an ecstasy as to reject truth in philosophy, because the author dissenteth in religion; no more than they do by Aristotle or Averroes. My great work goeth forward; and after my manner, I alter ever when I add. So that nothing is finished till all be finished. This I have written in the midst of a term and parliament; thinking no time so precious but that I should talk of these matters with so good and dear a friend. And

so with my wonted wishes I leave you to God's goodness.

From GRAY'S INN, the 17th of February, 1610.

Among Bacon's memoranda of the 26th of July 1608, one runs thus: "Q. of learned men beyond the seas to be made, and hearkening who they be that may be so inclined." "To be *made*" means of course to be persuaded to take an interest in the "Great Instauration." In the course of the next year a chance presented itself, which he did not neglect, though I am not aware that anything came of it. Isaac Casaubon, the famous scholar, was then at Paris, invited by a pension from Henry IV. and hopes of a professorship. He had there become acquainted with some of Bacon's writings, probably through Sir George Cary, and perhaps at the instance of Bacon himself; and had written to Sir George to express his admiration of them. Bacon took hold of the occasion to invite a correspondence, as we learn from the following letter; which comes from the collection at Lambeth. It is only a draught, and may probably therefore be the record of an intention only, which was not fulfilled. But for our purposes the intention is enough. The date is not in this case of much consequence; except that if the letter was sent to Casaubon in 1609, we might have expected to hear of some further communication between them after he arrived in England; which he did the next year. Birch, by whom this letter was first published, observing that Casaubon had *written* to Sir George Cary, appears to have inferred that they could not have been both in France or both in England; and as Sir George returned from his embassy in France in October, 1609, and Casaubon arrived in England in October, 1610, concluded that the letter must have been written between those dates. But as it is obvious that Casaubon might have sent a letter to Sir George when they were both in

Paris or both in London, there is not really any ground for that conclusion. All that can be said is that this is as likely a date as any other, and that the letter comes in here more conveniently than it would anywhere else. Only it must be understood that any speculation which depends upon the assumption of this date as a fact, ought to be rejected as wanting evidence. Casaubon came to England after the death of Henry IV., and was well entertained by James, both with attentions and preferments, till 1614, when he died; but I find no traces of any further correspondence between him and Bacon; which, if they had come into personal communication, could hardly have failed to be found in the "*Ephemerides*."

"Understanding from your letter to the Lord Cary that you approve my writings, I not only took it as a matter for congratulation with myself, but thought I ought to write and tell you how much pleasure it had given me. You are right in supposing that my great desire is to draw the sciences out of their hiding-places into the light. For indeed to write at leisure that which is to be read at leisure matters little; but to bring about the better ordering of man's life and business, with all its troubles and difficulties, by the help of sound and true contemplations,—this is the thing I aim at. How great an enterprise in this kind I am attempting, and with what small helps, you will learn perhaps hereafter. In the meantime you would do me a very great pleasure if you would in like manner make known to me what you are yourself revolving and endeavoring and working at. For I hold that conjunction of minds and studies has a greater part in friendships than civil ties and offices of occasion. Surely I think no man could ever more truly say of himself with the Psalm than I can, 'My soul hath been a stranger in her pilgrimage.' So I seem to have my conversation among the ancients more than among these with whom



I live. And why should I not likewise converse rather with the absent than the present, and make my friendships by choice and election, rather than suffer them, as the manner is, to be settled by accident? But to return to my purpose. If in anything my friendship can be of use or grace to you or yours, assure yourself of my good and diligent service: and so biddeth you farewell

“Your friend, etc.”

## CHAPTER II.

A. D. 1610. STAT. 50.

THE great political problem which the times of James the First had to solve had been kept waiting hitherto by other business, but could not be kept waiting much longer. During the last two sessions the Union and the Gunpowder Plot had prevented the question how the Crown should be supplied with a revenue adequate to its wants from being pushed to a crisis; the discussion of the Union having occupied the time of the Lower House, and the horror of the conspiracy having disposed them to be liberal. But even in 1606, when their excited loyalty showed itself in so large a grant — a grant without any precedent in a time of peace — the pertinacity with which they insisted that the petition of grievances should be presented to the King before the bill of the three subsidies went up to the Lords,<sup>1</sup> gave sure sign of a struggle to come. The truth was that the business of government had outgrown the provision for carrying it on. The ordinary income of the Crown was no longer equal to the ordinary demands upon it. Even Elizabeth, with all her power of obtaining zealous service without paying for it in money, and with a practice of economy in all departments which every modern historian condemns (in respect to the particular departments which he happens himself to favor) as parsimony, — parsimony in the reward of servants, in the provisioning of armies, in the keeping up of national defenses, in the subsidizing of allies,

<sup>1</sup> See p. 479

— even Elizabeth could not carry on the government in her later years without calling upon Parliament for annual contributions far beyond all former precedent, nor even then without borrowing money to the amount of a whole year's income and selling land to the value of as much more. The cause was simple enough. Large estates are costly to manage. The nation had increased greatly in wealth and population; the business and cost of government had increased along with it; but the fund out of which the cost was to be defrayed was comparatively stationary. As the kings of England were never merchants, the patrimony of the Crown could not be expected to grow with the growth of a nation whose commercial activity was bringing honey to the hive from every land over every sea; while prices were rising from the influx of gold into Europe; and the value of the Parliamentary subsidy, in which (as being a direct tax upon real and personal property) a proportionate increase might have been looked for, was, for some reason which I do not clearly understand, gradually diminishing. Whatever may have been the cause, there is no doubt about this fact: and it is important enough to be worth exhibiting in detail. The following statement, authenticated by a note in the handwriting of the Earl of Salisbury, is preserved among the State Papers.

A comparison of Subsidies and Fifteenths drawn down from the first year of Q. Eliz. to the present 10th of Feb. 1609.

Year in		Increase every subsidy	Decrease from the first
1558	1 <sup>o</sup> 1 Subsidy and 2 15 <sup>ths</sup>	194326	
1562	5 <sup>o</sup> . . . . .	191566 . . .	2760 . . . 2760
1565	8 <sup>o</sup> . . . . . 1 15 <sup>th</sup>	155794 . . .	15772 . . . 15772
1570	13 <sup>o</sup> . . . . . 2 15 <sup>ths</sup>	175600 . . .	15900 . . . 16048
1575	18 <sup>o</sup> . . . . .	169132 . . .	6468 . . . 25131
1580	23 <sup>o</sup> . . . . .	167876 . . .	1316 . . . 26430
1584	27 <sup>o</sup> . . . . .	163546 . . .	4330 . . . 30780

via la		Decrease necessary subsidy	Decrease to which it is
1597 79 <sup>0</sup> . . . . .	163130 . . . . .	416 . . . . .	31196
1589 31 <sup>0</sup> . . . . .	160543 . . . . .	2585 . . . . .	33781
1593 35 <sup>0</sup> . . . . .	152720 . . . . .	7755 . . . . .	41586
1597 39 <sup>0</sup> . . . . .	141009 . . . . .	11790 . . . . .	53225
1601 43 <sup>0</sup> . . . . .	134471 . . . . .	6530 . . . . .	59855
3 <sup>d</sup> Jac. . . . .	124000 . . . . .	10471 . . . . .	70326

Note that all these decrease rise from the diminution of the Subsidies of the Laity, because the clergy subsidy and the fifteenths of the Laity are certain.

Thus we see that three subsidies in the beginning of James's reign did not bring so many pounds into the Exchequer as two did in the beginning of Elizabeth's, and yet three subsidies still passed for much the more liberal grant.

This state of things James inherited: and though he inherited along with it a portion of Elizabeth's last subsidies, they were not more than enough to repay the money which she had been forced to borrow. If I understand correctly the financial tables which Mr. Gardiner has collected with such diligence, the ordinary expenditure of the government during the last five years of Elizabeth must have exceeded the ordinary receipts by more than half their amount. And though the expenditure was considerably reduced by the conclusion of peace with Spain and the suppression of the rebellion in Ireland, Mr. Gardiner himself admits that for a few years an annual deficiency of not less than £30,000 (about one-tenth of the whole) was inevitable. Whether he is right in supposing that an Elizabethan economy steadily pursued during those years, together with judicious measures for improving the Crown patrimony, would have brought the ordinary charges and the ordinary receipts to an equality, it is not necessary for my purposes to inquire. The contingency was not on the cards. Even if James

had been ever so much disposed to take Elizabeth for model in spending money, it may be fairly doubted whether it would have been possible for him to escape the unpopularity which it would have entailed. Elizabeth could do many things which another in her place, if he had possessed her qualities, could not have done. The whole Protestant population of England then, had been bred in devotion to her. Her age, her rank, her demeanor, her genius, combined to give her an authority which she could use without offense even in the courses of which the people are commonly very impatient. Had James entered upon his kingdom with a resolution to imitate her, — to be as strict in account and exigent of service, as sparing in rewards, — he would have incurred more dislike for his parsimony than he ever did for the opposite, nor is it by any means certain that he would have been the richer. But it is vain to ask what might have been the consequences of such a thing; the thing itself could not have been. A man cannot alter his nature, and it was not in James's nature to be an economist. He was a man who could not deny himself any pleasure, and unfortunately one of his chief pleasures was to give to those whom he liked whatever they wished to have. With this infirmity he reigned for six years, when on the 19th of April, 1625, his Lord Treasurer, the old Earl of Dorset, died, leaving the Exchequer in such a condition as might have been expected. The ordinary expenditure exceeded the ordinary income by £83,000. The debt had risen to a million. And this at a time when the regular revenue of the Crown was expected to meet all its ordinary obligations without assistance from Parliament.

Salisbury, who was immediately made Lord Treasurer, lost no time in setting his brains to deal with the difficulty; and if diligence, subtlety, activity, and fineness had been enough for the task, perhaps no man was

likely to succeed. But he had here a new case to deal with; and it would appear from the manner in which he began that he did not at first understand it. Had it been possible to cure the complaint without calling in the House of Commons, it would perhaps have been prudent to abstain from inviting their cooperation; for it is not to be denied that a public admission of the true state of the case was not without its dangers. But if the cooperation of the House of Commons was or might become indispensable, it was of prime importance to avoid all proceedings likely to alarm them for their privileges. One of these proceedings was the laying on of *Impositions*, — the imposition of duties, by authority of the Crown alone without the sanction of Parliament, upon goods exported and imported. The question whether the King had a right to do this had been disputed in the House of Commons, and though it is true that a case involving that question had been recently argued in the Court of Exchequer, and that the Judges had decided it in the King's favor, it is also true that in the last Parliament that very decision had been complained of and controverted, and it was plain that it had by no means set the question at rest. It was one of those stretches of Prerogative of which the Commons were most jealous; and with most reason: for to concede the claim in its full extent would have been to make over the commerce of the nation to be taxed at pleasure and without check. Yet the very first thing Salisbury did after he was made Lord Treasurer was to stretch this very power further than it had ever been stretched before, — to lay on at one clap, by the sole virtue of this disputed right, duties to the amount of £60,000 a year. Whether it was done in inconsiderate haste, as the readiest shift to make the ordinary receipts equal to the ordinary expenditure, and stop the accumulation of debt; or whether he had some further reach in it — as thinking perhaps to enhance the value of a pro-

rogative which he meant to sell, or by increasing the debt to make the Commons more eager for the relief of it; — or whether it was merely to magnify the value of his own services in the King's eyes, make him so that he could not spare so diligent and so profitable a minister, and thereby establish himself in his new office. I cannot say. But so it was. There is a curious manuscript in the British Museum, drawn up by Sir Julius Caesar, who was then Chancellor of the Exchequer. It contains a journal record of Salisbury's services during the two months of his treasurership; and seems to have been drawn up for the express purpose of magnifying before the King the merits of his new Lord Treasurer. The particular business of the Impositions is thus recorded:

"On Saturday 11 Junii, the Lord Treasurer, attended by the Chancellor and Barons of the Exchequer, went to the Court House, and there in the assembly of the chief merchants of England, assembled from all the principal parts of the kingdom, made an excellent speech to prove that Impositions might lawfully be imposed by sovereign kings and princes on all merchandise issuing out or coming into their ports: — that no king or prince, living or dead, doth or ever did deserve better the continuance of that liberty and privilege than our sovereign James, who in his excellent virtues, natural, moral, and political, surmounteth all other kings living or dead: — the present necessities, occasioned for the use of the public, especially for Ireland, contrary to his own will and the advantage and sweetness of his own natural inclination, have occasioned him to use this lawful and just means of profit; — which speech had no sooner knit up with a particular repetition of Impositions now seeming burdensome and ordered by his Majesty for ease of his subjects to be lightened, and likewise most this necessary important use to the poor to be excepted from imposition, than every man, after some little contradiction consented to this general imposition now established; — which will prove the most gainful to the King and his posterity of any day's work done by any one Lord Treasurer since the time of King Edward III."



The whole journal of Salisbury's services during these two months is summed up in these words:—

"He hath moreover to the King's great honor lessened the Impositions upon the commodities of currants, sugars, and tobacco. And hath to the King's great profit and the benefit of his posterity, increased his revenue by new impositions general upon other merchandises to the value of £60,000 a year. And likewise hath raised a like benefit of £10,000 a year increase upon ale-houses licensed. . . .

"So that, besides his other continual employments both in this high place and other his important and great places, he hath in the space of two months and twenty days directed and signed 2,884 letters, and gotten to the King in money £57,455, and in yearly revenues £71,100; which I dare confidently affirm was never done by any Lord Treasurer of England in two years. God's name be glorified for it, and honored be our gracious Sovereign, who made the choice of so diligent and faithful a servant, and recommended be that servant who hath a conscience to discharge his duty to so gracious a sovereign, whose long experienced judgment can rightly deem of men's deserts, and wisely distinguish between truth and falsehood."

All this was done; but all was not enough, nor nearly enough. The Crown still labored under a debt of £400,000, and a large annual deficiency. And Salisbury now saw, not only that the remedy must come from Parliament, but that since the precedents of Parliament showed no instance of a supply at all adequate to the emergency, some new occasion must be created that should lie out of the region of precedents.

The scheme which he devised with this view was a large and imposing, and (had it been wisely digested and prudently carried) might have proved a very happy one. The revenue of the Crown was in those days drawn from many sources besides its patrimonial property; chiefly from certain tenures and privileges,—such as Wardships, Knight's service, Purveyance, and others,—rem-

nants of the feudal system, which the times were outgrowing; privileges which had come to be hurtful to the people in a degree much greater, I fear than they were valuable to the Crown, and what worse (the system and occasions out of which they originally grew being forgotten), had come to be looked on and felt as grievances. Yet that these rights did belong to the Crown, and formed a regular and legitimate source of revenue, was not disputed. Here therefore were the essential elements of a just and advantageous arrangement for both parties. A fixed revenue of equal amount derived from taxation would have been better for the King; and even a considerably larger revenue supplied would have been much better for the people. There remained only the old difficulty incident to all bargains that are made under the sun, — the difficulty of inducing the contracting parties to deal frankly and openly, with just and reasonable desires on both sides, instead of haggling and trying above all things to overreach one another, or (which is almost as bad) taking care above all things not to be overreached. It must be admitted, however, that this difficulty was in this particular case unusually great. The Commons, — jealous, ambitious, conscious of their advantage, many, and full of lawyers; — the King, — irritable, impatient, long-tongued, conscious of his disadvantage and struggling to face it out, his heart full of anxiety about his estate, his mouth full of prerogative and divine right: — how were two such parties to come to an understanding on such a subject? Everything would of course depend upon the discreet opening and conducting of it by those ministers who stood between the two and had influence with both. The history of the negotiation is the history of the session of Parliament.

In making a bargain, to be known to be in distress for money is a great disadvantage, and therefore it was

strange that so old a politician as Salisbury, in negotiating a money-bargain with the Commons on behalf of the King, should have begun with a public and official proclamation of the King's pecuniary embarrassments, and his utter inability to extricate himself without a very liberal supply from the benevolence of his people. There could not be any necessity for proceeding so. Whatever might be the causes in which the proposition originated, the proposed arrangement both professed to be and was for the good of the state. It was to establish the necessary powers and revenues of the Crown upon a foundation less inconvenient for the people. In the days of the strong hand the Crown had been used to take the lion's share of everything. As arbitrary power was gradually brought under regulation and restricted by limitations and definitions, the customs which had thus grown up were left within the line and allowed as lawful. The share which the lion had claimed was secured to him, not on the original ground that he was strong enough to take what he pleased, but as being the share which properly belonged to the lion and was sanctioned by law. Hence it came that in inheriting the Crown King James had inherited a great many rights, royalties, immunities, and unfair advantages, which belonged to it and formed part of its regular income. These rights, royalties, &c., though they affected only a few persons, were troublesome and vexatious to those on whom they fell, and the money which they yielded could have been supplied much more conveniently to the people at large by a general tax, which lying equally on all would not have lain heavily on any. There could have been no difficulty in submitting to the House of Commons, as a measure for the good of the commonwealth without any reference to the necessities of the Crown, the expediency of relieving the people from these liabilities on condition of providing otherwise for the revenue they brought. The terms of the

bargain would still have been open; and the less the Commons knew of the straits in which the King was placed, the better would have been the chance of settling them favorably.

Salisbury, however, for some reason or other, took the opposite course; and it is plain that he took it advisedly; for he had everything ready, he made the first move, and he began at once.

The Houses met on the 9th of February, 1609-10; and the Commons had scarcely found time to ventilate the uppermost grievances, when they were invited by the Lords to a conference, "for consideration to be had for some necessary supplies to be yielded unto his Majesty."

The conference took place on Thursday the 15th, and the proceedings were reported to the House on the Saturday following. It seems they consisted entirely of a speech from Salisbury, which divided itself into three parts. The first, which related merely to the coming creation of the Prince of Wales, and seems to have contained nothing but stories out of the *Chronicles*, was reported by the Attorney General. The second, which was the main business, and a very delicate one to deal with — being nothing less than an exhibition of the balance-sheet, for the purpose of showing that the King could not support his position without help — was undertaken by Bacon. We have no report of what he said sufficiently full to show how he presented it to the House; but it appears that Salisbury concluded his exposition of the King's need of help from Parliament, with "a preoccupation of some silent objections" and a suggestion of some "matters of enforcement to excite them to yield unto the King's desire." These last related to apprehended disturbances on the continent, and especially "the competition for the Duchy of Cleves, wherein the Emperor, taking upon him to be judge, had, without hearing the cause, sent the Bishop to take possession for the House of

Austria; and on this side the French King and our King joined to take part with the other, not because of his religion only, for that his right and religion concurred together; "— an enterprise which, on the ground of policy as well as charity, deserved their support.

We have seen that Bacon, meditating a year and a half before on the dangers of an empty exchequer, looked to some enterprise of this kind as the best remedy; and if he had set down his notes in December, 1609, instead of July, 1608, he would probably have pointed to this "succession controversy to the Cleve Duchies," — now "coming to be a very high matter, mixing itself up with the grand Protestant-Papal controversy, the general armed-lawsuit of mankind in that generation," in the decision of which "Kaiser, Spaniard, Dutch, English, French Henri IV., and all mortals were getting concerned,"<sup>1</sup> — for the likeliest solution of the difficulty he was considering — the offer of an enterprise in which the Crown might engage with assurance of carrying the sympathy and ambition of the people along with it: only I think he would have put it in the front rather than in the rear; and instead of using it to enforce a demand for supplies, would have treated the proposed supply as a mere incident of the enterprise, and necessary condition of success.

Salisbury preferred to put the demand for money upon the simple ground that the King had need of it. For when he came to speak of "retribution," which was the third and remaining part of his statement to the conference, he appears to have been studiously vague. The notes that remain of the report made by Sir Edwin Sandys of this part of his speech leave the nature of his proposal altogether indefinite and obscure; and so it seems to have been found by those who heard it. "The retribution to proceed from his Majesty" was "a general redress of all just grievances." But what kind of things

<sup>1</sup> Carlyle, *Hist. of Frederick the Great*, vol. i., p. 204, Eng. ed.

were admitted to be grievances, and what kind of retribution was to be looked for, remained doubtful. Inasmuch when the whole subject of "contribution and retribution" was referred to the General Committee of Grievances (a reference inevitable, as the thing was called though of no good omen), they found they could not advance without first knowing what they were at liberty to treat for. Tenures and Wardships had indeed been mentioned in Salisbury's speech; but it was in a manner so ambiguous that "that motion was conceived by the King to be but as a lure to the subject, to draw him out to a greater contribution:" and therefore it was resolved (February 21) in the first place to ascertain from the Lords in another conference "what those things were which his Majesty intended to give to his subject in way of retribution;" and if Wardships and Tenures were not named, then to inquire particularly whether or no they were to be considered as among them.

The first question being proposed first, Salisbury began by expressing surprise at the proceeding. The King had summoned the Parliament avowedly because he wanted money; and they replied by asking what he had to give. He was ready, however, to explain more particularly what was wanted; and after recounting again the various occasions which had exhausted the Exchequer, he told them plainly that "the demand of the King was double; *Supply*, to discharge his debt; and *Support*, to maintain his estate;" and namely, for the first, £600,000; for the second, £200,000 per annum. And here, it seems, — without offering any answer to the question which they came to ask, — he stopped and awaited their reply.

Their reply was in effect a repetition of the question. Until "they knew the king's pleasure, what he was willing to depart withal to the subject," they could not "determine of any yearly contribution;" and for the demand now made, it was "in nature transcendent,

in precedent very rare," and they could say nothing without further instruction from the House.

After this we are told that there was a pause of silence: whether because Salisbury still hoped to commit them to the price before he showed the goods, or because he had not quite made up his mind how far to go, may remain a question. But after waiting a little and finding that no further answer was forthcoming, they proceeded to the second part of their commission: "Would it please his Majesty that they might treat concerning the discharge of Tenures?"

To this Salisbury replied, that he must consult the rest of the Lords before he could give them an answer on that point: but meanwhile (having now, I suppose, had time enough to consider his course) he proceeded to give them a tolerably full reply to their first question.

He told them that for matters of sovereignty inherent in him, such as the calling of Parliament, the stamping of coin, the proclaiming of war, — with these the King could not part: that for matters of justice, and protection of his subjects, and redress of all just grievances, — for these he could not bargain: he had already taken an oath to give them freely: but that there remained some other points of prerogative which, being burdensome to the people and yet belonging of right to the Crown, "he might haply be persuaded upon good consideration to yield unto his subjects:" and of these he gave the following examples: —

1. To be bound by the statute of limitation of 32 H. 8 as subjects are, and to give away that part of his prerogative, *Nul-lum tempus occurrat Regi*. What a jewel were this, said he, if the King would part with it?

2. Right of purveyance, which were a great ease and contentment to the subject, if it were extinguished.

3. The changing of a maxim of the law *Intentio Regia est regula legis*. And that all the King's grants should be taken in a



favorable construction to the subject. As if the King grant the manor of Dale, and he have two manors there, this now is a void grant, etc.

4. Informers to be taken away (which are all beggars and knaves) and to proceed by way of indictment.

5. Remission of old debts from 1 H. 7 until 30 Eliz., and since then also upon good consideration.

6. Forfeitures not to be taken by the King for nonpayment of rents reserved.

7. No injunction for possession to be granted upon an information in the Exchequer, and the general issue pleaded.

8. The friends of every ward to have the wardship at certain reasonable rates. And the Committee to receive no more than he pays.

9. License of alienation to be granted at certain reasonable rates, viz. 3 years rent after the old rent, for 20 pence in times past was as much as 5 shillings is now.

10. Respect of homage to be taken in the country before commissioners, without such charge and trouble as now is.

All these he told them that they were at liberty to deal with by way of bargain: for the main matter of Tenures and Wardships they would send an answer as soon as they had learned the King's pleasure.

Such was the result of the conference: and it was a step gained: for they could now begin to calculate the value of the ten points which were offered. But though it took place on the 25th of February, it was not reported to the House till the 27th. This was owing to a lively interlude with which they were occupied in the interval; and which, though unimportant (as it turned out) in its bearing upon the present question, is too important in its bearing upon other questions which we shall have to deal with hereafter, to be passed by without notice.

The Committee of Grievances, which in the absence of other matters for negotiation was very busy all this time in inviting and investigating matters of complaint from all quarters, had received information that a law

dictionary, published two years before by the Regius Professor of Civil Law in the University of Cambridge, contained some opinions derogatory to Parliament and dangerous to liberty. Finding the information to be correct, they brought the matter before the House. Whereupon all other business was suspended: and if they had met with any opposition in their course, the further consideration of Supply and Support might have been postponed indefinitely. Fortunately, however, for the progress of business (and perhaps for himself, too), Dr. Cowell, like the Bishop of Bristol on a former very similar occasion,<sup>1</sup> had no friends. The Lords were ready to join in censure: the King to issue a Proclamation, prohibiting "the buying, uttering, or reading" of his book; commanding all persons who possessed copies to take them presently to the Lord Mayor, the Sheriff of the County, the Chancellor or Vice Chancellor of the University (which ever was nearest), "that further order might be given for the utter suppression thereof;" and "because there should be better oversight of books of all sorts before they come to the press," announcing a resolution to "make choice of Commissioners that shall look more narrowly into the nature of all those things that shall be put to the press either concerning our authority royal, or concerning our government, or the laws of our kingdom; from whom a more strict account shall be yielded unto us than hath been used heretofore." Which proclamation, being read in the House by Mr. Speaker on the 27th of March, gave such satisfaction to the guardians of liberty, that they immediately passed the following resolutions:—

"The Committee for Privileges to prepare an order touching this Proclamation: For ever to remain here.

"Mr. Chancellor to go and give thanks presently to his Majesty."

<sup>1</sup> See *ante*, p. 458

These resolutions, which should not be forgotten when the Proclamation is remembered, were passed on the 27th of March; a full month after the first discovery of the offending sentences and the shock of alarm which it produced. It must not, however, be supposed that nothing else was done during that month. The unanimity of Commons, Lords, and King in the censure of Dr. Cowell was in fact so perfect from the first that as early as the afternoon of the 27th of February, the Lower House was at leisure to hear the report of Salisbury's answer to their last inquiries, and to consider what they should do. The report being delivered, a long debate followed, in the course of which Bacon made a speech: his aim being (for the notes are too fragmentary to convey more than the general purport) to recommend some course which without committing them prematurely in the matters of contract, would leave no doubt of their intention to be liberal in subsidies, after the ancient pattern; and to remind them of the interest they all had in the reputation of harmony between King and people, and of the dangers which "noise of want" might entail. And the conclusion of the debate was in accordance with this view: for the final resolution was simply to inform the Lords that for *supply* they knew of no way but subsidy, which they would take into consideration in due time and do therein that which should become loving and dutiful subjects; and for *support* they must wait for their Lordships' answer to their inquiry whether Tenures were among the things in treaty.

The answer when it came (it was given on the 2d of March and reported by Bacon to the House on the 5th), was indecisive, and was met by a message desiring a further conference on the matter of Tenures: the object being "to urge reasons that might remove obstructions," and the task being assigned to Bacon. The conference took place on Thursday the 8th of March, 1609-10, and

Bacon's part was to persuade the Lords to join with the Commons in petition to the King for liberty to treat of a composition for Wards and Tenures.

The Lords assented, and the joint petition procured a very gracious answer; which was delivered by the Earl of Northampton on the 12th of March, and reported to the House on the 14th; and was understood as giving them "liberty to treat concerning the discharge of Tenures and all dependencies thereof." To which work they accordingly addressed themselves at once; and with so good a will that by the 26th of March they were ready with their proposition; which was shortly this: that Knights' service generally should be turned into free and common socage; in return for which "they offer to the King an hundred thousand pounds yearly; wherein they do include all the *case* and the *poore* which the King ever had of the matter afore desired to be compounded for."

If the King had not been known to be in such urgent need of money, there might have been good policy in making difficulties and proceeding slowly. The Commons being really desirous to conclude an arrangement such as seemed to be proposed, an affectation of indifference on the other side might in that case have induced them to make haste lest they should lose their chance. But the difficulties of the King having been not only proclaimed but demonstrated by figures — the intolerable and inextricable embarrassments of the Crown having been laid as the ground of the whole proceeding — while the people could hold on well enough as they were — there could be no doubt that delay was more inconvenient to him than to them. It is true that historians speak of people "groaning" under exactions, as if all the population were miserable when a few are unjustly taxed; and I suppose there never was a time in any country when many respectable witnesses were not ready to show that all things were going to ruin. But that in the year

1610 the people of England were generally either in distress or in fear of distress is certainly not true. Purveyors and informers and farmers of Crown revenues were harassing many particular persons and causing a great deal of general annoyance and irritation; but the burdens from which the people were crying to be relieved were by no means so intolerable as to drive them to purchase relief at an extravagant price. The whole nation was growing richer: the Lower House was becoming every year more powerful, and was sure to win if it had patience to wait. Not so the King. To him delay was dangerous in more ways than one. Salisbury, when he first called upon the Commons for so large a grant of money, had promised on the King's part, by way of retribution, the redress of all just grievances. It followed of course that they immediately set about *collecting* their grievances: and every day's delay not only added to the list and inflamed discontents, but brought them nearer to a question which lay inevitably in the way and threatened an irreconcilable quarrel. That a Committee of Grievances could get through such an inquiry in such circumstances without falling upon the question of *Impositions*, was not to be hoped. Salisbury's vaunted day's work had made that impossible: for until it were determined whether so large and indefinite a power as that of setting duties upon imports and exports at his own will belonged to the King or not, it was impossible to estimate the value of any grant they might agree upon. And yet to this inquiry, so manifestly unavoidable, no provision whatever seems to have been made for securing a peaceable issue. How Salisbury expected to give it the slip, it is difficult to guess. But it is clear that the game did not go as he had planned it, and he had to shift his ground more than once.

My own conjecture is that he had counted on carrying the vote of supply before the discussion of grievances could be brought to a crisis, and thereby getting money

enough to go on with for a while ; so that a Parliamentary difficulty might, if necessary, be got rid of by a dissolution. He was constitutionally sanguine and bold ; and having seen on more occasions than one that the Commons were apt to be very forward and liberal in voting supplies when any accident tending to bring them into passionate sympathy with the Government had warmed their loyalty, he may perhaps have hoped that in their first glow of gratitude for the concessions which the King promised they would be eager to express it by a liberal contribution : which being once secured, the Crown would have been relieved from its immediate difficulty and able to conclude the rest of the negotiation with advantage, or to throw it overboard without fear of the immediate consequences. To suppose, indeed, that at the commencement of a negotiation which was avowedly in the nature of a bargain they would deliberately relieve the King from the very difficulty which was avowedly his motive for proposing it, was to give them credit either for greater dullness or for more reckless generosity than could well be expected from a body of that character. But cunning is apt to overreach itself, and Salisbury's genius was not long-sighted. At any rate we shall find that they understood their advantage and did not mean to throw it away.

They had submitted their offer to the Lords on the 26th of March, a few days before the Easter recess, and were already busy again with their collection of grievances, when on the 19th of April they were invited to a conference to hear the answer. The Lords had considered the proposition, and had communicated it to the King, whose decision they reported in these words : —

" He would upon no terms depart with any part of his sovereign Prerogative, wherof the tenure in *capite* of his person, which is all one as of his Crown, is no small branch. But, touching the dependents upon such Tenures, *cudicet* Ward-

ships, Marriage, Premier Seizin, Relief, Respect of Homage, and the like, which be the only burdens of these Tenures (the honor and Tenures reserved) His Majesty is pleased when he shall have understood what recompense will be therefor offered unto him, with convenient speed, to give further answer for contracting for the same."

To this the Commons assented at once, without any difficulty. They were content that the King should retain the honor: the recompense they were prepared to offer for relief from the burdens incident to the Tenures was the same which they had already offered for relief from the Tenures themselves, — £100,000 per annum. What did he say to this offer?

The question was asked at a conference on the 26th of April, and answered by Salisbury in a long speech, of which (though it was felt at the time to be so important that a sub-committee was specially appointed to "consider of the report and assign a reporter," the notes in the Commons' Journals are not complete enough to be intelligible, while (singularly enough) the Journals of the Lords contain no record of it at all. It so happens, however, that an unusually full report of the speech of Sir Edwin Sandys (who was chosen by the sub-committee for their spokesman) is preserved among the Harleian MSS.; and from this we learn what the next move in the game was—a move quite unlooked for at the time, and very difficult to explain even now.

It will be remembered that when the Commons were asked for their answer to the King's demand of £200,000 annual support, they replied that they could give no answer until they knew "what those things were which His Majesty intended to give his subjects by way of retribution," and in particular whether Wardship was among them: implying of course that when they offered the money they offered it in consideration of the remission of those burdens, and particularly of Wardships.



The same understanding was implied in Salisbury's first answer (21 February) when he enumerated ten points of prerogative which "his Majesty might haply be persuaded upon good consideration to yield unto his subjects," — that is, for which they might deal by way of bargain, — but distinctly reserved the question whether Wardships were to be included. It was implied again in the rejoinder to that reply (27 February), when the Commons intimated that they could say nothing as to the matter of "support" until that question were answered. It was implied throughout Bacon's speech to the Lords (8 March) moving them to join in petition for liberty to treat of a composition with the King for Wards and Tenures, with a view to "invest the Crown with a more ample, more certain, and more loving dowry than this of Tenures;" which could only mean to provide such a dowry in *exchange* for the revenue they now yielded. It was implied in the answer to that petition delivered by the Earl of Northampton on the 12th of March, which was accepted and immediately acted on as granting them the liberty they asked. It was implied in the terms of their first offer (26 March) and in the first answer to that offer (29 April), when the King, in refusing to part with the Tenures, signified his readiness to contract for the discharge of the burdens incident to them (Wardship being specially named as one) when he should have understood what *recompense* would be offered. But now on the 26th of April it appeared that there had been some misapprehension. For after reminding them that they had "offered for the tenures and wardships, with all other their incidents, £100,000 by the year, *not reserving that benefit which the Crown now maketh by them*," Salisbury proceeded to "crave pardon that he was somewhat too curious not to mistake them: for he feared lest some want in himself in conveying those things to them which the King propounded had made

them more obscure than they would have been if they had been rightly and exactly delivered." He feared (it seems) that when he told them that the King was ready to part with those ten points of prerogative by way of "retribution" for the £200,000 per annum which he demanded, and when they were afterwards told that they might include Wardships with them, they had supposed him to mean that the King was ready to part with them in exchange for £200,000 per annum; — that £200,000 per annum was to be the price of them. But it was not so. The sum originally demanded was not meant to form any part of the price of these prerogatives; it was to be merely a negative condition — a *sine quâ non* — of negotiation; the price of the concession, not of the prerogative itself, but of the liberty to offer money for it. Let them vote £600,000 supply and assure to the King £200,000 annual support, and the King would then be willing to part with Wardships and the like, *upon payment of a further sum equal to what he would lose by giving them up.*

Whether the King had changed his mind, or whether Salisbury had persuaded him to keep it to himself till now, but could persuade him no longer, — or whether he had not been correctly informed of what had passed before — or however it came about — I cannot understand the words in any other sense than this. "When demand of £200,000 per annum and £600,000 was made, there was no thought (saith the King) that he should part with the Wards. Nay (saith the King) and so say we, there was no thought of divers charges which since seemed necessary. . . . And if we thought then without Tenures that demand to be just, shall we now, casting in the Wards, think it enough? . . . He saith not £100,000 is too much or too little for the Wards; but the Wards is too much for anything that shall come short of the King's first demand. . . . The conclusion therefore was that unless we offered that which might give

the King a complete satisfaction, not *reddendo singula singulis*, but *sub tota materia*, £200,000 a year above whatsoever we defalked from him by our contract, the Wards will not be had. And if that may be made up, then take (quoth his Lordship) Wards, Purveyance, and those other incidents, with what else the Parliament shall think fit." Take them (that is to say); but take them at their estimated value.

If this offer was made at Salisbury's instigation, or with his approval, it is hard to believe that it was made with any other intention than to provoke a refusal and bring the negotiation to an end. During the last seven years of Elizabeth's reign, the amount of supply granted by Parliament had risen to nearly £140,000 in the year. But that was in the time of war with Spain and rebellion in Ireland. It was granted by two several Parliaments, with special reference to the occasion, and for three or four years only, each time. And far from being the provision then required by the Crown from this source in ordinary times, it was nearly four times as much as the average of the first twenty-seven years of that reign, and nearly twice as much as the average of the next ten. The proposal now made was to secure to the Crown, in a time of peace both with subjects and neighbors, — to secure to it, not for three or four years, but forever, — without reference to circumstances, and without intervention of Parliament — an annual supply greater by at least a fourth than the greatest that any Parliament had ever granted or been asked to grant. Was it conceivable that the House would listen to such a proposal for a moment after they had been fairly told what it was? To ask the House of Commons first to free the Crown from debt and then to settle upon it such an income — what was it but to ask them to make the King independent of Parliament, to deprive themselves of all legal power in the state, to turn petitions of right and complaints of griev-

ance into empty forms, dangerous to the movers, but powerless for their objects? And this at a time when they were more than usually alive to the value of the privilege they had established of dealing with money bills by themselves, and keeping questions of supply entirely in their own hands. Give the King money enough, and what need would he have to call any more Parliaments? or what should hinder him from calling them only to do *his* work and dissolving them the moment they began to do any work for themselves? And what would concessions, promises, or even laws, be good for, from that moment? The fear of Parliaments being taken away, even the best devised laws for securing the liberties of the people could no longer have been trusted to do their work. The lawyers would have made the laws mean what they liked.

Yet if it is hard to believe that Salisbury made such an offer with any hope that it would be accepted, it must be admitted that it is also hard to understand what object he could have had in provoking a refusal. Though the Commons had been too wary to give away their advantage before they had made their bargain, they had shown no disinclination to the bargain itself, nor any disposition to deal illiberally in it. The proposal had undoubtedly been advised and deliberate: why should the proposer wish it to miscarry? A docket which I find in the calendar of State Papers, dated April 25, 1610 (the day before Salisbury delivered the King's answer), may perhaps have something to do with it. On the 25th of April a bond for £150,000 was given by the King to the Lord Mayor, Aldermen, and Recorder of London, "*in part security for £100,000 to be lent by them.*" Now we learn from a news-letter of Chamberlain's (2 May) that just about this time there were "privy seals ready printed to be sent abroad." And the true history of the matter may possibly be, that seeing

the House of Commons could not be persuaded to vote the supply before they proceeded with the bargain, and the City was not ready to lend without better security than the Crown had to offer, and yet money must be got, the Government had expected to be driven to the expedient of Privy Seals, that is, of requisitions for loans of money in small sums from those who were supposed to have money to spare. It would have been inconvenient at such a time for the Crown to be known to be at variance with the Commons on a money question: and therefore the answer to their offer (which might have been given the next day) was postponed for nearly a month; and when given was so contrived as not to touch the point, but to include a new question, which required an answer, and caused the delay of a few days more. But by the time the answer came the King had succeeded in borrowing from the Mayor and Aldermen £100,000 in a lump; and, being rich again while it lasted, he could afford (or Salisbury could afford on his behalf, — for we cannot tell which was moving the other) to assume that air of independence and superiority, which would have been politic, if the hollowness of it had not been so fatally betrayed and so ostentatiously proclaimed. He thought perhaps that if he set his demand high enough, and spoke big enough, he might still recover the position from which he had descended, and make the Commons believe that they were bargaining with one who could afford to wait.

If so, he was mistaken. It was too late to produce such an impression by several weeks. When Salisbury's speech was reported to the House on the 1st of May, Nicholas Fuller (whose popular sympathies had not been chilled by his submission to the archbishop sixteen months before) began the debate with a motion which must have been for a flat and peremptory rejection of the King's demand. And according to a letter writer who

appears to have been well informed, the first impulse of the House was to "give no answer at all, but remain silent till the King should be pleased to make some more reasonable proposition unto them, or break absolutely the bargain: wherefrom they do not seem now much averse: thinking to have done enough," etc. This course was opposed, however, by Sir Edwin Sandys among others; and after two days debate they agreed upon a message. But though in form and tone it was more according to Bacon's advice that it should be "decent, modest, and respective," the substance of it was a plain refusal to offer better terms. Nor did they think fit to trust the language to the discretion of the messenger, but reduced it to writing: and much to the dissatisfaction of the Lords (who had particularly desired "that the Committees might have liberty to hear propositions and questions, and to make answers, as also to ask questions,") they expressly restrained them to the delivery of the message, forbidding them to "answer or dispute."

According to the report made by Salisbury to the Lords, it was to this effect: —

"That where the Knights, Citizens, and Burgesses of the nether House had offered to give for the matter of Wards, Tenures, and dependents thereon, £100,000, and had by us received answer, that his Majesty as then advised would not accept thereof, nor saw reason to depart from his first demand of £200,000 support and £600,000 supply, his occasions being in all appearance now greater than before, and especially the Wards being now by them desired, which before was not spoken of nor included in the King's demand: That they have since entered into examination of the matter, and do find no reason to alter their offer: That their purpose was to have laid the burden on the Landmen: where it was moved unto them that they should think of some course to make up the King's demand, etc.: they answered that they cannot now find how so huge a sum may be levied without grieving a multitude of his Majesty's poor subjects: Howbeit, in all reasonable matters

they will be ready to give his Majesty satisfaction. Lastly, they acknowledged their great obligation to his Majesty, who hath given them a further leave to treat than ever was granted to any of their predecessors; and further they would not go."

If the object of the government was to break the negotiation off, the matter now stood very well for them. But Salisbury's great annoyance and disappointment at the refusal of the Commons to allow their Committers to enter into discussion (of which I find lively traces in both Journals) seems to show that this was not his object. Indeed he not only remonstrated and argued, but hung out signs of accommodation. "Perverving," says Beaulieu in a letter to Trumbull, "that they were altogether cooled in the bargain, and willing to go back from their offer, he told them that those sums which had been propounded unto them had been tendered rather by way of estimation than of demand; and desired them to be well advised how they let go such an opportunity as they had now in their hands, to free themselves of that yoke of the Wardships and of the rest of their grievances, which they should not always recover; showing unto them the importance and inconveniences growing unto them out of every one of those grievances. But they are not like (he adds) to trouble themselves much further in the matter, until the King shall have modified and reformed his propositions." It appears also from the Commons' Journals that the annoyance was not confined to Salisbury; three other Lords had expressed dissatisfaction "and taxed the proceedings of the House."

The truth was that Salisbury had overshot himself both ways; first in making the essential weakness of his position too apparent, and now in setting his demands too high. Nor was that the worst. If the redress of *grievances* was all the recompense they were to look for — and they were now told that whatever else was given must be paid for at its full value — the least that could



be expected was that they would make as much of their grievances as they could. Their Committee had been busy in the inquiry for two months, and reports were beginning to come in fast. On the 24th of April "the great matter of Impositions" had come before them. On the 30th (in spite of a warning in the interval from Salisbury that to "flatter themselves in their private opinions, when cases had been judged in a court proper to determine them . . . were but to bark against the moon," the Speaker had been directed to "take order for the view of the Parliament Records in the Tower," the King's Counsel "to give direction for precedents which they vouched," and "Sir Robert Cotton to assist." On the first of May they had appointed nine of their body to "search records touching Impositions, and fixed a day for discussing the question in the House. The discussion was likely to be particularly inconvenient at that time; and as the day drew near another attempt was made to intercept it. Unfortunately the means used constituted a fresh grievance, which, in the temper to which they had now been brought, seemed likely to breed fresh troubles. On the 11th of May, when "the Grievances were called for," the Speaker delivered a message, as from the King, warning them that the question as to his *right* to impose duties upon merchandise exported and imported had been settled judicially, and was not to be disputed in the House. Now as the King had been absent from London all the week, a question arose, whence the Speaker received this message: "wherein he, excusing himself for a long time, in the end did confess that he received this message from the body of the Privy Council." That their Speaker should receive communications in this way through the Privy Council was held to be against order, and it was resolved after warm debate "That the same message, coming not immediately from his Majesty, should not be received as a message: and that in all messages

from his Majesty, the Speaker before he delivered them should first ask leave of the House, according as had anciently been accustomed."

Whether the King had anything to do with this particular message is doubtful; but the general terms of the resolution imported a limitation of his liberty of action in which he could hardly have been expected to acquiesce. As soon as it was reported to him, he sent again to inquire whether, if a message were sent to them by their Speaker, and the Speaker declared that it came by warrant from the King in word or writing, or from the body of his Privy Council, they would refuse it? The question was immediately referred to the Committee of Grievances (14 May) and the result was a report that with respect to messages sent by the Speaker immediately from the King himself, whether in word or in writing, they were ready to say that they would receive them as usual, "being delivered unto them according to the ancient order of the House." But "concerning the latter part of the question, which touched the Council, the general resolution of the Committee was to make answer that they would receive no messages coming from the Council as messages sent from his Majesty."

If this was all that could be got, it was better to let the matter rest where it was: and the King sent word in the morning that they need not trouble themselves to answer his question. But what was to be done with the resolution of the House which had led him to ask it? Upon that resolution the Committee of Privileges had framed an order, which had been allowed, and should have been entered in the records. As long as this remained among the precedents it was useless to withdraw the question, for it contained the answer. By this time, however, a disposition had come over them to relent and make the matter up; and when in the course of further discussion it was found that the clerk had not yet entered

the order, they had the sense to leave it there; following Bacon's advice in not standing upon the point — ("Sovereignty and Liberty to pass in silence; not to be textual:" is the note that remains of what he said) — as they might now see it would have been better to do five days before, when he advised them not to contest it. "But in the end," says Chamberlain, "they saw that *motus præstat componere fluctus*, and with a moderate answer pacified his Majesty."

A difficulty which ought never to have been made was thus easily disposed of: a few fair words and the withdrawal of a needless scruple set it at rest, and no further trouble was to be apprehended from it. But unfortunately it left the real difficulty behind. The scruple about the form of the message had merely postponed the question, what should be done with the message itself; "which was," says the reporter, "to command the House not to dispute of the King's power and prerogative in imposing upon merchandises exported or imported." This was a point in which it was not so easy to give way on either side. It was the old dispute between Prerogative and Privilege, aggravated by the fact that the question at issue was one of incalculable importance. It is scarcely too much to say that it involved the whole question whether the Commons were to be themselves at the mercy of the Crown, or the Crown at the mercy of the Commons. If the King had the power of laying duties at will upon exports and imports, he could carry on the government without the aid of Parliament: if not, the help or consent of the House of Commons being indispensable, they could always control the government by stopping the supplies. The King (who, to do him justice, was always ready to give reasons for what he did, and to believe that if he might but state them in his own way he could convince everybody that he was right) thought to remove the difficulty by a speech. And on

this occasion it must be admitted that he had that to say which was much to the purpose, and might if properly managed have done a great deal to clear the way. He was prepared to make some substantial concessions. He was prepared not only to concede to the House of Commons without reserve the right of discussing particular impositions in respect of conveniency, or inconveniency, and of complaining of them as grievances (which for practical purposes was almost the same as discussing the right itself of imposing); but also to put a limit upon the exercise of the power which he assumed, by engaging himself not to use it without consulting Parliament. If he could but have confined himself in speech to an intimation of what he *would* concede, and let silence say for him what he would *not* concede, such a declaration from his own mouth might have done much to conciliate opposition. But silence was a gift which had not been given to him. He could not say what he would do, without also saying what he would not do: could not promise to forego the exercise of a right, without first proving that he had it: could not admit that a liberty went so far, without denying that it went further. The consequence was, that meaning to tell the Commons that their right to "complain of any just grievance," and therefore to inquire of "the burden and inconvenience" of impositions, was not questioned, he began by warning them not to dispute the King's power to impose; and meaning to put an important restriction upon himself in the exercise of that power, he began with an argument in justification of it, which (followed to its logical consequences) implied a pretension to tax not imports and exports only, but all other property. And the general impression which his speech produced may be gathered from the report sent by Chamberlain to Winwood two or three days after.

"The 21st of this present he made another speech to both the houses, but so little to their satisfaction that I hear it bred gen-

erally much discomfort to see our monarchical power and royal prerogative strained so high, and made so transcendent every way, that if the practice should follow the positions, we are not like to leave our successors that freedom which we received from our forefathers, nor make account of anything we have longer than they list that govern. Many bold passages have been since in the Lower House, and amongst the rest a wish that this speech might never come in print."

Instead of appeasing one dispute, the King had in fact (without at all meaning it) raised another of larger dimensions — a dispute involving the entire relation between Sovereignty and Liberty; which it was so important (as Bacon could have told him) to maintain in silence, without coming to exact definitions. The effect was immediate; though to him, I believe, quite unexpected. The first business of the House the next morning was the appointment of a Committee "to devise upon some course to be taken to inform his Majesty how much the liberties of the subject and the privilege of the Parliament was impeached by this inhibition to debate his Prerogative."

In the notes of the debate which ended in the appointment of this Committee Bacon's name does not appear. But in Committee he tried hard, as he had invariably done on like occasions, to turn the discussion from the general question of the right to the particular question of the grievance. It had begun with strong assertions of the right of Parliament to debate freely of all things that concern the Commonwealth, including the Prerogative of the Crown, which was alleged to have been subject in all ages to inquiry both in Parliament and in the Courts of Justice. His course in such cases had always been, not to deny the right, but if possible to prevent the question. And such was his course now. He cited precedents in support of the King's position, and advised the House "to present these matters of impositions as grievances to the Commonwealth (which the

King had given them leave to do), but not to question his power or prerogative to impose."

It does not appear that these precedents were met by any precedent on the other side, later than the reign of Edward III., where a debate in Parliament concerning the limits of the prerogative had been *permitted*. But it was easy to find distinctions between each of the cases alleged and the case of the new Impositions, and to show that they were not exactly in point; and the result was a resolution to remonstrate. A petition of Right was accordingly drawn up, setting forth in temperate but firm language the right of Parliament to debate freely of all matters which concern the right and state of the subject, and the impossibility of examining the case of the new Impositions as it affected the subject without inquiring how it stood in law: and ending with a petition that they might "according to the undoubted right and liberty of Parliament proceed in their intended course of a full examination of these new Impositions; that so they might cheerfully pass on to his Majesty's business, from which this stop had by diversion so long withheld them."

This paper was very skillfully worded to avoid offense, and as I think the King had never meant to put any restraint upon the liberty of their proceeding, but fancied on the contrary that he was offering them a very large and unusual indulgence, he was the more disposed to receive it graciously. It was presented to him at Greenwich on the 24th of May at eleven in the morning. The messengers were received with unusual courtesy, and having been "extraordinarily entertained at dinner, were summoned into the withdrawing chamber at three to hear his answer: the substance of which was shortly that they had mistaken his meaning, both in his message and in his speech. In his message he had not meant to prohibit absolutely a discussion of the question, but only to suspend it, in order that he might understand their inten-

tions; and in his speech when he explained what powers a King of England had by law, he never meant that he was going to use them for the abridgment of any of their liberties. He begged them to distinguish between his reasons and his conclusions," "granted their petition as themselves had set it down," and desired that "mistaking might no more hinder their business."

With which answer the House being well satisfied, proceeded to their business without further delay.

The message and speech which had given rise to all these doubts and explanations were the more unlucky, because an accident had just happened which tended to bring the King and the Commons into harmonious action. The assassination of Henry IV., which was announced to the Lower House by Salisbury on the 8th of May, had rekindled their zeal against Papists, alarmed them for the safety of the King's person, and made them look up the laws against Recusants. Nothing reconciles dissensions between allies like the report of an enemy advancing; and if it had not been crossed by that unfortunate message, the news of the murder would very likely have been followed by a vote of supply,—immediate, liberal, and unconditional. Salisbury tried to get that fruit out of it on the first announcement. "After he had represented unto them" (writes Beaulieu on the 9th) "the importance of that accident, and the loss which this state did suffer by it, . . . his Lordship exhorted them to be watchful for the safety and good of their prince, and assist him with those means which were requisite for it; seeming to insinuate unto them that this accident would put the King in need of a greater assistance from them than was before required at their hands." And when this hint failed to produce its effect, he made another attempt to bring it about by a more elaborate proceeding. But it was his ill luck throughout this session that every attempt he made to deliver the King from his em-



barrassments acted as a reminder to the Commons that as soon as he was delivered they would lose all their hold upon him. Their disposition was indeed for the time more favorable. The temper of the King's answer to their remonstrance, and the anxiety to take securities against the Jesuits which he shared with both the Houses, had sweetened their feelings; and the question of Supply and Support, which had been shut up by their message of the 3d of May and remained in abeyance ever since, the Lords making no further motion in it, was on the 25th — immediately after the report of the King's answer — brought forward again. But in proposing to re-open it, they did not forget to stipulate that the question of Impositions, the investigation of which had been going on in the mean time with activity, should not be left behind, but proceed *pari passu*. Salisbury felt, I suppose, that, if that was to be the consequence, further delay would only lead to further difficulty; and immediately made a fresh attempt to get the negotiation resumed and pushed forward. The very next day after the passing of that resolution in the Lower House, messengers arrived from the Upper to desire a conference between the Committees "formerly employed in the matter of Tenures;" at which it was intimated that the King was prepared to lower his terms, and they were invited to renew the negotiation, not in a "dry meeting," such as the last was, but "in a free conference," where the committees on both sides should come prepared to debate and argue. Which, it seems, was agreed to, and the Commons began forthwith to prepare themselves.

That the subject of discussion was to be the contract which had been under discussion before, and that more favorable terms were now to be offered, appears distinctly from the note in the Lords' Journals of what the Lord Treasurer was to say to the Committees. That in insisting so earnestly that the Conference should be

"free" and the Committees authorized to *debate* questions, their motive was to save time and get the terms settled before the case of the Impositions could come on I infer from the dates. And the business might no doubt have been despatched quicker in that way. But the Commons knew well enough which party could least afford to wait, and they were not to be hurried. If their Committees were to debate the terms of the contract, they must have their instructions beforehand; and instructions required time. That the same time served to collect the records concerning Impositions, was an accident no way inconvenient to *them*. But to Salisbury, if I am right in supposing that his object was to get the contract concluded before the other difficulty came on, it threatened to spoil his whole game. Unless he could hurry the preparations for the Conference, Support and Impositions would go together *pari passu* after all. Accordingly, when nearly a fortnight had passed without bringing any news of their progress, another message was sent to remind them of the time of the year, and express a hope that "all protraction, in this so great and necessary a business, might be avoided." And when reply came "that they were preparing for the matters in question; that therein they had slackened no time; and so soon as they were prepared the Lords should hear further from them;" Salisbury seems to have felt that he should lose at that game; and thereupon suddenly changed his tactics, and tried to get at his main end — which was money to go on with — by a nearer way. The answer to the last message urging expedition was received on Friday the 8th of June. On Monday the 11th another was sent, desiring an immediate Conference (with the same Committees who had been employed before) "touching some things which were to be imparted to them by his Majesty's late commandment."

To this they assented at once, without any remark;

and the Conference was to take place the same afternoon. But the short interval was passed in anxious consultation upon a point of form, which, as illustrating the temper of the House and the wary distance at which they held their honor, would be worth notice, even if Bacon had not been called to take a part in it. The point was this. They were to hear something which the King had commanded the Lords to impart to them. Were the Lords then a body interposed between the King and his subjects? They had objected to receive messages from him by his Council: were they to receive them by the Upper House? The matter was thought grave enough for a Committee.

"Whereupon a Committee was chosen to consider what was fittest to be done; who shortly after resolved that one of our House who was appointed, namely, Mr. Solicitor, should before the Lords spake, desire to say something unto the Lords on the behalf of the House, and that then he should say that which the House directed him; which he did with some amplification."

The office naturally fell to Bacon because he was to be reporter of the proceedings at the Conference. But there can be no doubt that he was the very best man to whom they could have entrusted it; and the little "amplification" which he ventured on may have had something to do with the smooth passage of it. The following is given as the substance of what he said:—

"They had received a message from their Lordships, desiring a meeting, whereunto they had yielded. But that whether it were in the expressing of it or in the conceiving of it, or both, there were some mistakes which had left an impression in the minds of the hearers, which did beget this resolution, which by their commandment he was to intimate to their Lordships, which was this: that if their Lordships did desire this meeting upon intent only to communicate unto them their own conceits or anything which they had received from his Majesty,

they were come hither with all willing readiness to receive it. But that if their Lordships were employed herein as messengers only to the House of Commons from his Majesty, who is like the sun which shines directly as well upon the lowest valleys as upon the highest hills, then they were to signify to their Lordships that this course was contrary to the ancient orders, liberties, privileges, and graces of this House. And therefore we are to entertain it as it shall please the House to direct us."

Salisbury was not a man to sacrifice the matter to a scruple about the words. He easily explained that they had desired a meeting, in consequence of something which they had heard from the King, in order that they might take counsel together what should be done. And so the Conference proceeded.

And now it appeared that, though it had been expressly desired by the Lords that the Committees might be the same who had been employed before, the object of the conference was quite different. The business consisted solely of a speech from Salisbury; the object of which was, not to explain how much the King would abate of his former demand and to propose terms for discussion, but simply to urge a present vote of "supply by subsidies," and for that purpose the suspension of all other business, — including "Support" as well as "Grievances," — till their next meeting in October, when the negotiation of the contract would be resumed. There was no discussion, nor any invitation to discuss: it was a perfectly "dry" meeting.

The motion was one which indicated rather the extremity of the case than the skill of the mover. For except some additional uncertainty as to the course of affairs abroad, and some vague apprehension of the coming ascendancy of Popery in Constantinople, consequent upon the removal of Henry IV., he does not appear to have

had anything new to communicate which should have induced the Commons to descend from their vantage-ground. He had indeed some fresh acts of popularity on the King's part to announce; some remissions of duty to the merchants, a promise to impose no more duties before their next meeting, and permission to the Lower House "to dispute of his power to impose, in radice." But as things had been managed, these concessions had been so manifestly the consequence of his necessity, that as long as other and more important concessions remained to be got, they formed the worst of all arguments for taking that necessity away. Salisbury explained frankly enough what he wanted. "For the point of Supply, he wished we would give his Majesty so much as might disengage himself and pay his debts: and that something might remain in *deposito* (in what place or whose hands we pleased) *tanquam thesaurus caver*, as a dry and standing stock, not to be touched but upon urgent necessity." But he can hardly have expected the House of Commons to overlook the probable consequence of making such a grant in June — namely, that their grievances when presented in October would have so much the less chance of respectful consideration.

Such, however, was the proposition to be submitted to them. Being reported by Bacon, I presumed that it was presented in the fairest light which it would bear; but the result was what might have been anticipated. A motion for a grant of two subsidies was debated for two days, and after several amendments and fresh propositions and conciliatory messages from the King, ended at last in the postponement by general consent of the whole question. "A message to his Majesty, by Mr. Chancellor, and that we will lay all other business aside and endeavor within a short time to give his Majesty satisfaction," was proposed at last by Sir Edwin Sandys, and "assented unto by the voice of the House." To which

the King replied that he did not "misjudge the proceedings of the House in not giving him a subsidy, and was indifferent whether any other motion were made concerning any supply, till they should receive a full answer to their grievances." What better could have been expected? The common sense of the House told them, and each successive move of the government confirmed the impression, that in relieving the King from his own wants they would relieve him from the necessity of considering theirs. Bacon seems to have felt that he had no ground to work upon. In the two days' debate which followed his report, the only record which remains of what he said is this note; from which I can only gather that he spoke in favor of supply:—

SIR FR. BACON. — I will not blast the affections of this House with elaborate speech. — Great hope in the heart. Upon that to proceed.

The failure of this last attempt to obtain a present supply left matters where they were. The Commons had been going on with their preparations for the "free Conference" concerning Tenures to which they had been invited by the Lords, as well as with the search for records touching Impositions, and were now ready to deal with both questions. On the 18th of June they opened communications with the Lords, which resulted in a conference on the 26th; and on the 23d they began to debate, in committee of the whole House, the great question, "whether the King have power to set impositions upon merchandises without assent of Parliament." The debate appears to have occupied five days — the 23d, 27th, 28th, and 29th of June, and the 2d of July; on one of which days — probably the 27th — Bacon made a great speech in defense of the King's right.

"All this debate," says Carleton, writing to Sir

Thomas Edmunds, "was at Grand Committees, the Speaker being in the House but not in his chair; and when the powder was all spent on both sides, we grew in the end to this peaceable conclusion, — not to put the question of the right, to condemn thereby the judgment of the Exchequer in the matter of currants: whereof all this is the consequence: but to frame a petition by way of grievance implying the right, though not in express terms; which was accordingly done."

The conclusion therefore, whatever may be thought of the arguments, was in accordance with Bacon's motion, who had from the beginning, as we have seen, advised this very course; and was presently to be employed in presenting the petition itself.

The result then of this long debate was the appointment of a Committee (3d July) "to consider of the frame of a petition to be offered to the King touching Impositions." But in the mean time the question of Support had been re-opened and made a step in advance. In a conference between the two Houses on the 26th of June, Salisbury had informed the Committee of the Commons how much the King would now consent to abate of his former demand for the concessions proposed: he would take for them £140,000 per annum, above the annual revenue which they now yielded;<sup>1</sup> which appears to have been estimated at £80,000. This was an abatement of £60,000 per annum in his demand for *Support*; and as nothing was said about *Supply*, his other demand of £600,000 as a preliminary condition of the bargain may be considered as having been withdrawn. This new and much improved offer, being reported to the House the next day, had been immediately referred to a Committee. But the answer had to wait for the Grievances, which

<sup>1</sup> "I crave £140,000 per annum, in satisfaction of such things as I mean to bargain for at this Parliament, clear and without that I find myself receive by the payment of those things that are now to be bargained for." *Parliamentary History 1616*, p. 121.



were to proceed *pari passu*, and were now a little behind.

The delay, however, was not long. The Committee appointed on the 3d of July (of which Bacon was a member) brought up their report on the 4th. The petition concerning Impositions was then immediately read in the House and passed: and the collection of Grievances being now complete, the preamble was agreed to and ordered to be engrossed. Bacon, accompanied by twenty of the House, was appointed to present them: which he did on the 7th, with the following speech, as reported by himself.

A SPEECH USED TO THE KING BY HIS MAJESTY'S SOLICITOR, BEING CHOSEN BY THE COMMONS AS THEIR MOUTH AND MESSENGER, FOR THE PRESENTING TO HIS MAJESTY OF THE INSTRUMENT OR WRITING OF THEIR GRIEVANCES. IN THE PARLIAMENT 7 JAC.

MOST GRACIOUS SOVEREIGN. — The knights, citizens, and burgesses assembled in Parliament, in the house of your commons, in all humbleness do exhibit and present unto your sacred Majesty, in their own words though by my hand, their Petitions and Grievances. They are here conceived and set down in writing, according to ancient custom of Parliament. They are also prefaced according to the manner and taste of these later times. Therefore for me to make any additional preface, were neither warranted nor convenient; especially speaking before a King, the exactness of whose judgment ought to scatter and chase away all unnecessary speech, as the sun doth a vapor.

This only I may say: Since this session of Parliament we have seen your glory, in the solemnity of the creation of this most noble Prince. We have heard your wisdom, in sundry excellent speeches which you have delivered amongst us. Now we hope to find and feel the effects

of your goodness, in your gracious answer to these our petitions. For this we are persuaded, that the attribute which was given by one of the wisest writers to two of the best emperors; *Divus Nerva et divus Trajanus* (saith Tacitus) *res olim insociabiles miscuerunt, Imperium et Libertatem*; may be truly applied to your Majesty. For never was there such a conservator of regality in a crown, nor ever such a protector of lawful freedom in a subject.

Only this (excellent Sovereign): Let not the sound of grievances (though it be sad) seem harsh to your princely ears: it is but *gemitus columbæ*, the mourning of a dove, with that patience and humility of heart which appertaineth to loving and loyal subjects. And far be it from us, but that in the midst of the sense of our grievances we should remember and acknowledge the infinite benefits, which by your Majesty next under God we do enjoy; which bind us to wish unto your life fullness of days; and unto your line royal, a succession and continuance even unto the world's end.

It resteth that unto these petitions here included I do add one more that goeth to them all: which is, that if in the words and frame of them there be any thing offensive, or that we have expressed ourselves otherwise than we should or would, that your Majesty would cover it and cast the veil of your grace upon it, and accept of our good intentions and help them by your benign interpretation.

Lastly, I am most humbly to crave a particular pardon for myself that have used these few words, and scarcely should have been able to have used any at all, in respect of the reverence which I bear to your person and judgment, had I not been somewhat relieved and comforted by the experience which in my service and access I have had of your continual grace and favor.

The answer to this petition was given on Tuesday the 10th of July, both Houses attending by command. The

length of the paper and the shortness of the time was alleged with very good show as a reason for not dealing with all the articles at that time. An obvious distinction of character suggested the separation of those which concerned matters of government from those which concerned matters of profit, and the selection of the last (which all related to impositions of one kind or another, and went naturally with the great question which had been so long under debate) to be answered at once. But before he proceeded further, the King called upon Salisbury to declare "both what occasion had moved his Majesty to lay the late Impositions, and how he (as his officer) had observed his direction in the distribution of the same. Who thereupon made" (says Carleton) "a long and good narration, showing the reasons of those impositions with all the circumstances;—excusing himself for the invention of this means to raise money, upon the last Lord Treasurer; for the occasion, upon the Irish wars in Odoharic's rebellion; for the ratings upon the merchants,—who being assembled from all parts of the kingdom gave their assents; and for the warrantise upon the Judges,—who had confirmed the proceedings in the general by a partial judgment: So as wherever the fault lay (if it were a fault) my Lord stood *rectus in curia*."

"Of which he had no sooner made an end" (says another reporter) "but the King (well approving his relation, and adding therunto many things that were material) commanded the Clerk of the Higher House to read openly some such answers as he had caused to be put in writing to some part of the grievances which had been exhibited by the Lower House, with promise to give answer to the rest before the session ended. The substance whereof was this which followeth:—

"First, that the payment upon ale-houses should cease.

"That the impost upon coals shipped from the river of Hith should be taken away.

"That the new Drapery should be referred absolutely to the law.

"And for the Impositions upon merchandise, he pronounced this answer with his own mouth: that now they had heard the cause and manner of his proceeding in them, his Majesty would make them see that he would be so far from giving his people cause to fear any prejudice by using too severe a hand in that matter, as although he knew that the Lower House was not a place to determine the laws in a case of a private man, much less concerning a Prince's right, yet he was pleased out of his own mere grace to assure them (besides the great abatement which he had made during this session of divers imposts to his great loss) that he would be willing to assent to an act by which his power should be suspended from imposing any more upon merchandises, without consent of Parliament."

To "let losers have their words" is excellent advice to the winner, and might well have been acted on in this case by the House of Commons. Whatever lawyers might think of the justice of the judgment in *Bates's* case, there could be no doubt it was a very strong point in favor of the government. Possession is nine points of the law, and till that judgment was reversed, it could not be denied that the Government was in possession.

"Though I am no professor of the law," said Salisbury, "(and therefore mean not to make lawyers sport by putting cases) yet so far as my weak logic will help me to make a formal and a binding argument, I will make use of it rather than to suffer any imputation upon the justice of his Majesty's actions.

"First, I say that whatever is done by the warrant of a legal judgment, and in his proper seat of justice, is not unlawful.

"The new impositions were laid upon merchandises in the port after a legal judgment, whereby his Majesty's

right was declared in open Court, judicially argued, and sentenced, in the case of currants.

"And therefore the new Impositions were not unlawful."

As against the charge of *illegality*, the argument seems to me unanswerable. The judgment might be reversed, or the law might be altered; but until one or other were done, I do not see how the conclusion could be resisted. And therefore if the King, having so strong a point in his favor, was willing to compromise the dispute by voluntarily divesting himself of the disputed power for the future, I think the Commons would have done wisely to leave the dispute and take the offer. It was a great surrender; and there was no chance of getting the thing done so quickly, cheaply, and quietly, in any other way.

But if the loser should always be allowed to have his words, it is only because they can do him no good; and we want another proverb to warn him for his own sake not to indulge in them. If Bacon had been employed to draw up the answer to this article as well as the rest, I think he would have left to Salisbury the assertion of the right in law, and made the King say no more than that he was willing to divest himself of it by Act of Parliament. As it was, the implied assumption that he did legally possess the power which the House had just voted contrary to law, and therewithal the implied censure of their whole proceeding, marred the effect of a concession which should have been accepted with mere gratitude and joy. How it ~~was~~ accepted we learn from Dudley Carleton, who appears to have been a very dispassionate though a very attentive and intelligent observer. The questions relating to matters of profit (he says) the King "presently resolved to the satisfaction of that house in all particulars; save only in the new Impositions: in which, though he promised to give way to a bill that never any hereafter should be had but with the assent

of Parliament, yet because he did not as freely take away all which were last imposed, they went away all satisfied: which they testified in their next day's meeting, when as subsidies were proposed, and no more could be obtained but one subsidy and a single fifteen: which a knavish burgess said (but in the hearing of few) would do the King much good, and serve as a *subprena ad melius respondendum*."

That knavish remark, though made in the hearing of few, probably expressed the thoughts of many. The King's last demand for his Tenures was still under consideration; and it was not perhaps the reception of the petition so much as the thought of the impending bargain that suggested that cautious vote. The most discreet and gracious answer could hardly have made them forget that an ampler subsidy would have made the King harder to deal with.

He had asked, in exchange for the things he had consented to part with, £220,000. On the 15th of July, the Commons agreed among themselves to offer £180,000: — a sufficient proof that *they* at least were really desirous of concluding the bargain. Whether the Government were equally in earnest appears to have been a question with some; though, considering that the Crown had certainly the greater need and apparently the greater gain, it is hard to imagine why. "Now we are come so near a bargain," writes Carleton on the same day, "we shall be able to make judgment at our next conference with the Lords, whether this contract which hath been so long entertained, was from the beginning *de veras*, as the Lords would have us believe, or *de burles*, as some of our wise men still suspect."

If the question were to be decided by the result of that conference, the answer must undoubtedly have been, *de veras*. "Yesterday," writes Carleton again on the 17th, "we had a conference with the Lords, and nothing con-

cluded in the matter of contract, by reason of the King's absence, but much art used on both sides: on ours to value our offer, which was performed by Sir Edwyn Sandys, and at large you will not doubt: on the Lords' side, *pour encherir la merchandise*, and this by my Lord Treasurer, who came upon some disadvantage, because our men were prepared, but did so well acquit himself *ex re natâ*, and so clearly open all the particularities of the contract, that he gave very extraordinary contentment: though for the issue of it we know no more than before what judgment to make, for it is wrapped up in the clouds, and either we shall have it in a sweet shower or a storm the last day of the session. Yet there is likelihood of another conference before that day, when matters will be brought nearer to a point."

Though the year was too far advanced to allow of their following the business to its full conclusion, there was every appearance (so far) of earnestness and good faith on both sides: and before they parted formal memorials were exchanged between the two Houses, setting forth the state of the negotiation, and binding themselves to go on with it at their return. But there was one important business which still remained to be transacted, and upon the issue of which the fate of the bargain might still depend. Thus far, the Commons had made good their resolution that Grievances and Supplies should proceed together with equal steps, and had found the fruit of it. But the steps could only be alternate. It was in this case the last step that gave the advantage: and Salisbury won it for the King. By dividing the Grievances into matters of government and matters of profit, and taking the last first, he contrived after all to extract a definitive assent from the Commons to the proposed terms of contract, before they had heard the King's answer to the most important articles in their petition. The memorials of the contract were exchanged on Saturday the 21st



of July, and on Monday the 23d his Majesty's gracious answer to the remaining grievances was read openly by the Clerk; after which the Parliament was immediately prorogued till the 16th of October. Now these remaining grievances included all those (the new dispositions only excepted) upon which the Government and the popular party were most at variance, — Deprived and silenced ministers, Pluralities and non-residents, abuse of Excommunication, authority of the Ecclesiastical Commission, Prohibitions, Proclamations, and Jurisdiction of Provincial Councils, — and although the answers when they came were put in as gracious a shape as could be devised, it was not possible to make them satisfactory to those with whom the complaint originated. To give them an opportunity of talking all these matters over in the House, while the contract remained unconcluded, would no doubt have been inconvenient. But would it have been *less* inconvenient than that they should be sent to talk them over for three months in the country, where the case on behalf of the government was not likely to be so well represented? I think not. The Memorial of the Contract drawn up by the Commons contains their answer to a question which had been proposed to them by the Lords — who would seem therefore not to have been without their apprehensions on this head — namely, "What matter of content in the interim, shall be brought down into the country?" Their answer is —

"1. To the meaner sort, the assuring them that nothing shall be levied upon their ordinary victual; *videlicet*, Bread, Beer, and Corn, nor upon their handy labors.

"2. To the better sort, the view of those things, which in lieu of that sum we shall receive from his Majesty: whereof copies to be taken down by such as please.

"3. In general, to all, his Majesty's gracious answer to our Grievances."

But this was written before the gracious answer to the

last articles had been delivered, and it must have seemed doubtful, when it came, whether it was gracious enough for the purpose. To "the meaner sort" indeed, the assurance offered would probably be sufficient. But it was not with the meaner sort that the difficulty would lie. "The better sort," in balancing the cost against gain, would compare the taxes to which they had been accustomed with those which were now threatened. Those who were old enough to have paid taxes for twenty years would remember what they had had to pay in 1593 and 1594, when for the first time a whole subsidy (which then yielded £152,700) was levied within the year, and this for two years in succession. That was the heaviest taxation that had ever been before or since, while it lasted: but the case was altogether exceptional, and in the two years which followed, only half the amount was paid — which was then the ordinary rate. After this followed seven consecutive years in which they had had to pay a whole subsidy each year; £141,000 being the average of the first three, and £131,471 the average of the last four. Since which time the sums annually received by the Government on account of the Fifteenths and Subsidies of the Laity, had been as follows: —

In 1605-6 . . . . .	£29,589
1606-7 . . . . .	99,005
1607-8 . . . . .	126,560
1608-9 . . . . .	81,763
1609-10 . . . . .	76,839

Such being the experiences of taxation then fresh in memory, the "matter of content" which the members of the Lower House had to carry down to their constituents in the country was that, in consideration of being relieved from certain burdens the value of which in money was estimated at £80,000 per annum, they were to be burdened thenceforth with a perpetual tax of £200,000, to be secured to the Crown "by Act of Parlia-

ment in as strong sort as could be devised:" which would be much the same thing as paying a whole subsidy every year, Parliament or no Parliament, with the addition of such subsidies as every Parliament would thereafter have to grant as the price and condition of being continued. For if without Parliament the Crown was to be assured of a larger annual income than it had ever had yet in times of peace, and almost as large as it had ever had for many years together in times of war, it would always be able to settle a dispute by a dissolution.

And if this was to be their position and prospect with regard to taxation, what would be their position and prospect with regard to grievances? The late of the Grievances — I do not say under which the people were then groaning, because I do not know that anybody groaned; but for the redress of which the House of Commons had just been petitioning — could not fail to suggest the answer. Except in the matter of Impositions, the Government, though it promised to use its authority justly, did not talk of *parting* with any authority. Suppose any of the powers which it retained should be abused; suppose the favorite preacher should be silenced, the parish church left without a minister, fines illegally exacted, penalties imposed by Proclamations and enforced by the Star Chamber; — what was to be done? They could petition again; and if their petition produced no effect, they could refuse to grant any *additional* supply. But as they would not be able to suspend the £200,000 per annum which was now to be made certain and perpetual, the refusal could be borne. They could pass Acts, and send them to the Upper House. But if those Acts were rejected, or returned with amendments, what could they do more? It seems to me that a member trying to explain to "one of the better sort" how, upon "the view of those things which in lieu of that sum they should re-

ceive from his Majesty," they had reason to rejoice in the bargain, must have had a hard task before him ; and if we find that after three months spent in discussing the merits of the bargain with those whom it most concerned, members came back less in love with it, the fact will not be thought to need any curious explanation.

### CHAPTER III.

A. D. 1610-11. *ÆTAT.* 50-51.

THE latest mention which I have met with of Bacon's mother was in a letter to the Queen, dated 12 March, 1599, where he spoke of her "health" being "worn," and the silence about her since then is so complete that it has been supposed that she died soon after. That we have no *letters* of later date from her or to her, is indeed not surprising. Those of earlier date, of which we have such a great number in the Lambeth collection, would probably never have been heard of but for Anthony Bacon's habit of keeping all his correspondence without distinction and consequently leaving behind him so many bundles of imperfectly arranged papers, the valuable and the worthless mixed confusedly together, that they were probably never either sorted or examined during his brother's life. Any correspondence which passed afterwards with her or about her would naturally be kept separate, and so destroyed or lost all together. But though the disappearance of all *letters* is easily accounted for, the absence of all casual *mention* of her, through so many years, is not so: especially in such a thing as the "*Commentarius Solutus*," where if she had been still living in the enjoyment of her dower, either at Gorhambury or elsewhere, the very inventory of the estate could not have been complete without reference to her. The fact that there is not a single allusion to her throughout that note-book would certainly, but for the evidence of the next letter, have satisfied me that she died before the

date of it; and (the evidence of the next letter proving conclusively that she was still alive) we are left to account for it as we can. The supposition which seems to me most probable is, that she lost the command of her faculties some years before her death, that the management of her affairs was taken out of her hands, and that somebody was employed to take care of her. There are symptoms in her earlier correspondence of an excitement and irritability which might easily end in that way, and if it did, the silence would be accounted for. The only allusion to her later years which I have met with is in Bishop Goodman's "Court of King James the First," and is in these words: "But for Bacon's mother, she was but little better than frantic in her age." There were times between 1593 and 1597 when almost the same thing might have been said of her. But if her frantic moods took the same form and became more frequent, it is hard to imagine how they could have escaped all notice. It seems more likely that the morbid irritability was the precursor of decay, and that she grew helpless as she grew older. Her exact age I have not been able to learn, but she was the second of five daughters and her eldest sister would have been 87 if she had lived; so that we may presume she was above 80.

TO SIR MICHAEL HICKES.

SIR MICHAEL HICKES. — It is but a wish and not any ways to desire it to your trouble. But I heartily wish I had your company here at my Mother's funeral, which I purpose on Thursday next in the forenoon. I dare promise you a good sermon to be made by Mr. Fenton, the preacher of Gray's Inn; for he never maketh other. Feast I make none. But if I might have your company for two or three days at my house I should pass over this mournful occasion with more comfort. If your son had continued at St Julian's it might have been an

adamant to have drawn you; but now if you come I must say it is only for my sake. I commend myself to my Lady, and commend my wife to you both, and rest  
yours ever assured

FR. BACON.

This Monday the  
the 27<sup>th</sup> of August, 1610.

The three months' consideration and discussion in the country of the terms of the Great Contract had not tended to smooth its way with either party. And though it might seem that an arrangement so advantageous to the Crown should have had all the help which the Court party could give, this does not appear to have been the case. Take the figures as given in the Journals of the House of Commons, and it seems impossible to doubt that as a financial arrangement the Crown would receive by it a great deal more than it gave; and would be made more independent of Parliament than it had ever been before, or was ever likely to be as long as old precedents were held sacred. But the Commons would naturally incline to abate the price of that which they were going to buy; and in estimating the revenue derived from Wardships and Purveyance at £80,000 it is likely enough that they undervalued it. Another calculation, attributed to no less a man than Sir Julius Caesar, then Chancellor of the Exchequer and in close alliance with Salisbury, estimates the rights to be parted with as worth £115,000 a year as then administered, and as capable of improvements which would yield £85,000 a year more. Now if in exchange for the £200,000 yearly support the Crown was to give up £115,000 a year in *esse*, and £85,000 a year in *potest*, together with the authority, influence, and reputation which went along with the existing tenures, and at the same time all hope of occasional assistance from Parliament, — if a man so well informed on such matters as the Chancellor of the Exchequer could make



it appear by figures that the King was in fact giving up of his own the full equivalent in money of that which he was bargaining to receive, and a good deal more in money's worth, and that his present necessities would remain unrelieved, — it could not have been difficult to distaste him with the proposed arrangement. And there were many about him who from principle or interest would naturally labor to deter him from concluding it. What the people were to gain by the remission of these dues of the Crown was what the middlemen through whom they were collected had to lose. The whole host of suitors, high and low, would be interested against the change. And if there were not also many most respectable and disinterested persons who saw in the abandonment of immemorial customs the ruin of the constitution of which they had been the bulwarks, the gentlemen of England must have undergone a greater change since James's time than nature seems ever to permit in the same race and climate. It is true, that the House of Lords, so far as we can gather their proceedings from the Journals, supported Salisbury throughout with unanimity: "the little beagle had run a true and perfect scent which brought the rest of the great hounds to a perfect tune." But the loyalty which forbade them publicly to obstruct a policy which the King had been persuaded publicly to adopt, could not prevent them from secretly disliking and deploring, and privately warning the King against it. It was reported about this time that Salisbury was falling out of favor, and (though rumors to that effect would naturally be suggested by the rise of Carr, and might have no other ground) I am inclined to believe from Bishop Goodman's remarks upon what he calls his "fall," that there was some truth in it.

"The true cause of his fall," says the Bishop, "was this, a great peer of the kingdom lying upon his death-bed sent the King word he was desirous to speak with him. The King, as

his manner was, desiring that no notice might be taken of his coming, sent the Earl of Dunbar to visit the sick man, excusing himself for not coming, and desiring him to impart to the Earl what he would speak unto him, and he would take it very kindly. Here the sick man did express great affection and duty to the King, and desired him not to lose any part of his prerogative, especially the Court of Wards and other great royalties which his predecessors had, for if he should part with these he should hardly be able to govern; that the subject was more obedient and did observe the King more for these than for any other laws or other respects whatsoever; that the subject was bound to relieve him and to supply his occasions without any such contractings; and therefore he did desire him, for the necessary support of his own government, not to put his lands unto fee-farms; and whereas at this time some did endeavor to engross and monopolize the King, and kept other able men out of his service, that the King, as God had blessed him with wisdom and judgment, would take such able men into his service as might from time to time be faithful to him and to his successors. When the Earl of Dunbar had delivered this message to the King, the King wished that, if it might stand with God's will [that] he were £10,000 in debt to save his life: and ever after the Earl of Salisbury, who had been a great stirrer in that business, and was the man aimed at, began to decline.

Who this dying peer may have been I do not know, nor how much credit may be due to Bishop Goodman's report. But I have little doubt that there were many people who took this view of the question, and that it was one which would find easy entrance into the King's mind. Now if the King feared that the Contract would deliver him bound into the hands of the people, and the people feared that it would deliver them bound into the hands of the King, and Salisbury foresaw that instead of the establishing him in the King's favor it would discredit and defeat him, it is easy to understand why (in spite of the formal acceptance of it in substance by the two Houses) the chances were against its being carried

through. If all parties had been eager to conclude it, the difficulties would have been great: for they had still to agree upon the manner of raising the money and upon the securities for performance of the contract on either side. If all were afraid of it, it was sure to break upon one or other of those difficulties.

The Houses met again on the 16th of October according to the order, and if their feeling with regard to the Contract had been the same as when they exchanged memorials in July, they had only to go on with it. It seems, however, as if neither party had been disposed to take the first step. What was *said* on the subject in either House we have no means of knowing, for the Journals of the Lords give no notes of the debates, the Journals of the Commons for that session have been lost, and the private Journal discovered by Mr. Gardiner contains no notice of what passed during the first fortnight. But more than a week had gone by without anything *done* by either, when the Lords invited the Commons to a Conference. What happened at that Conference (which took place on the 25th of October) we do not know. We know only that the next act of the Commons was to send for a true copy of the King's answer to their petition of Grievances; and that their entertainment of the question was so dubious or so dilatory that the King thought it necessary to expostulate with them, and require a "resolute and speedy answer, whether they would proceed with the Contract, yea or no."

The note which remains of the proceedings that followed, though it is but a scrap, enables us to understand where the difficulty really lay, and why the Contract, having advanced so far, could advance no further. Both parties, when they came to look at it close, were afraid of it. The Commons felt that if they made the Crown independent of Parliament, they could have no security for what they were to get. The King felt that unless his

debt were once fairly cleared off, the Commons would still have a hold upon him, by means of which they might bring him to a worse condition than he had been in before. Neither party durst risk it, unless it were guarded with conditions which the other durst not accept.

It was on Wednesday, the last of October, that the King had spoken to them and asked for their "resolute and speedy answer." The tone of his speech almost invited them to answer now. "He should be beholden unto them," he said, "though they did deny to proceed; because then he might resolve upon some other course to be taken for the supply of his wants; for he said he was resolved to cut his coat according to his cloth, which he could not do till he knew what cloth he should have to make it of."

Though no particulars have been preserved of the debate which followed, we may presume that it ended in the appointment of a Committee to prepare the answer; and that they brought up their report on Saturday; when a discussion took place of which we have the following note:—

*3 November 1610.*

An answer to the King framed and offered by Sir Maurice Berkley, which being read was disliked as too ceremonious and complimental, and not real and actual. The answer was to excuse our slowness by want of competent number. And that if our demands be granted, and no more shall be imposed upon the land, his Majesty shall perceive that we now are as constant to persevere with the contract as we were forward to undertake it.

The objection taken by the House to the proposed answer was the more significant, because Sir Maurice Berkley was not an adherent of the Court, but one of the leaders of the popular party. What their idea of a "real and actual" answer was, may be gathered from the notes of a speech by Sir Roger Owen—the only speech delivered that day of which any record remains.

Divers things to be provided for, otherwise he was unwilling the contract should proceed.

1. Our security to be provided for by a full answer to our grievances. No gap to be left open for the King to impose upon his subjects.

2. Means to levy it to be such as it may be least burdensome to the subject.

3. Provision to be made that this £200,000 be not doubted nor trefled by enhancing of the coin by the King.

4. Provision that the explanation of doubts may be by Parliament: and that we may have Parliaments hereafter though the King's wants be fully supplied. . . .

5. Provision that this £200,000 per annum may not be alienated from the Crown.

As nothing is said of any final resolution I conclude that the debate was adjourned till Monday. But the tone of the discussion having sufficiently indicated what he had to expect from them, the King took occasion in the mean time to remind them of what they were to expect from him. And when they met on Monday the Speaker had a message to communicate which quite altered the case.

*5 November.*

A message from His Majesty by the Speaker.

His Majesty, having by speech in person, upon just and apparent reasons drawn from his necessities, required our resolution concerning the contract, thinks fit to omit nothing that may further our proceeding without mistaking, etc., or loss of time.

He is pleased to represent unto us the clear mirror of his heart, and to set before us the essential parts of the contract, lest the taking of things by parts might induce any oblivion or distraction in the contemplation of the whole.

1. He declareth that it never was his intention, much less his agreement, to proceed finally with the contract, except he might have as well supply as support, to discharge himself from his debts. In reason his debts must be first paid.

His first demand [was] for the supply of his wants: and after

the point of tenures and the distinction of support and supply came in by our motion.

For his supply he expected to receive £500,000, though it will be less than will pay his debts and set him clear.

The Subsidy and 15th last given not to be taken as part of that sum, by reason of his great charges since for the safety and honor of the State, and the increase of his wants.

He desireth to know our meanings clearly what we mean to do in the supply.

2. Upon what natures the support may be raised. His purpose is that it may be certain, firm, and stable, without the meaner sort, and without diminution of his present profit.

The recompense of the present officers to proceed from us, but not from his Majesty — which is no great matter, considering it depends upon their lives, and that it is not warranted by the clause which gives us power to add or diminish, because it takes profit from his Majesty.

And therefore he expects £200,000 *de claro*, etc.

If they were in doubt before whether to proceed with the Contract or not, they could be in no doubt after the delivery of this message. Nor could the King himself, I think, have expected or intended it to have any other effect than that of hastening the resolution to give the Contract up. He knew that his original demand of £600,000 supply and £200,000 annual support (in addition to the estimated annual value in money of the proposed concessions) had been peremptorily declined, and that when it was insisted on the negotiation had been broken off distinctly upon that ground. He knew also that the Commons had only been tempted to take it up again by an offer from the Government of more favorable terms: and he knew that those terms contained no allusion whatever to any demand for Supply. If he believed that when he authorized Salisbury to say that he would take £200,000 in exchange for the specified concessions, it was understood that his debts would be paid off at the same time, he must have been deceived by his

ministers. It is impossible to suppose that so large an item could be understood to form part of the bargain and not mentioned in the memorial. It may be, however, that Salisbury had got leave to make that offer by persuading him that Supply would follow: but at present disputes about the Contract and excitement about Grievances interfered with Subsidies: but that if the Commons were gratified with a gracious answer in the one case and a good bargain, or what they took for such, in the other, they would be in a more liberal humor and would feel the propriety of paying off his debts. And it may be that when he saw that hope in danger of disappointment, he resolved to make sure of one thing or the other, — either to be free of the Contract or to have it coupled with a grant of £500,000.

It is impossible to say who was answerable for the shifting and inconstant proceeding of the Government throughout this transaction. It may be that the King shrank, when it came to the point, from a policy which he had been persuaded to sanction. It may be that Salisbury offered, or pretended to offer, more than he had authority to do. It may be that the negotiation was set on foot with a view to some other end, and was meant to break when it had served its purpose. What is certain is that the proceeding on the part of the Government was both indirect and inconsistent from beginning to end; and that the final breach was distinctly their choice and act. The Commons on the other hand acted throughout openly, honestly, consistently, and liberally; and with no more circumspection than the case required. And though, if the negotiation had proceeded, it would probably have broken upon some demand of theirs which they could not in prudence have foregone and the King could not in prudence have allowed, it is clear that, as it was, the responsibility for the breach did not at all lie with them. A unanimous resolution not to proceed with the



contract upon these conditions was the inevitable result of the last communication: and after a day or two of deliberation the following answer was agreed upon:—

"Nevertheless, having entered into due consideration of the whole business, and that with as great deliberation as your Majesty's desire touching a speedy answer could permit, we have resolved that we cannot proceed in the contract according to your Majesty's last declaration delivered by our Speaker: which our answer we hope shall in no wise offend your Majesty."

That an answer to this effect was expected by the King may be inferred from the tone of his reply, which is thus given in Mr. Gardiner's manuscript:—

"To this his Majesty sent an answer by the Speaker on Wednesday, 14th November, that with we could not proceed according to his last declaration, which was agreeable to his first intention, he did not see how we should go further in that business."

So ended the great project, from which so much had been promised and hoped, leaving all parties in a worse humor than before. But so did *not* end the great political difficulty which it had been invented to overcome. That difficulty was as great as ever, and now more than ever intractable. The debt of the Crown had increased, the expenditure had not been reduced, the inducements which had been held out to the Commons in the hope of obtaining from them a contribution adequate to the emergency, having proved insufficient, had been withdrawn, and the problem of November was the same as the problem of February, with all its difficulties aggravated. The contract being abandoned as a failure, there was nothing left but an appeal to the House of Commons in the ordinary way, with an offer of popular benefits, and a representation of the need of supplies. But after all that had passed it was no easy matter to make such an appeal other than a very flat affair. The need of say-

ply had been matter of notoriety for the last nine months, and all the particulars had been disclosed and discussed. And the longest list of benefits that could be offered to the people, could not but seem poor by the side of those with the promise of which they had been so long tantalized, and by the sudden withdrawal of which they had been so recently surprised and disappointed. But no other course was left: and on the same day on which the King declared the contract at an end, the Commons by invitation met the Lords in conference, to hear some new proposition.

The new plan of operation appears to have been this. The Lords were to invite the Commons to join them in petitioning the King for certain measures of relief to the people; which being promised, it was hoped that they would see the expediency of relieving the King's wants. The Conference was opened by Salisbury in a speech which was reported to the House by Bacon concluding with an enumeration of the things to be desired by both Houses.

1. Sixty years possession a bar against the King.
2. No lease to be avoided for defect of security or conditions broken.
3. Upon outlawries the creditor to be first satisfied before the King.
4. Respite of homage to be taken away.
5. Penal laws to be reformed.
6. All obsolete laws to be taken away.
7. Power to make laws in Wales to be repealed.
8. No imposition to be hereafter set but by Parliament, and those that are to be taken as confirmed by Parliament.

The measures of relief which it was proposed to petition for were (it will be seen) of considerable value; and had such a proposal been made, and made sincerely, at the opening of the previous session before the state of the

Exchequer had been laid so bare, and before the reciprocal obligations of Kings and subjects had been put upon the basis of a money bargain, the plan might have been very successful. After such a course of promises, expectations, misunderstandings and disappointments as they had gone through since February, the effect was very different. The discussion of them in the Lower House was postponed by another explanatory message from the King and proceeded through interruptions which it is not necessary to particularize, but the result of all was that though it may have helped to divert them from a flat refusal of all supply, it did not prevent other speeches from being made which were almost as fatal to harmony as such a refusal would have been: and though the debate ended in a resolution to send the King a message of thanks and explanations, the accounts he heard of what had been said in the course of it satisfied him that there was no chance of agreement and that his only course was to dissolve the Parliament. The following letter, written to Salisbury from the Court at Royston on the 25th of November, gives a lively picture of the King's state of mind, and makes all that followed quite intelligible:—

"He hath received by Sir Roger Aston a copy of the order set down against the next meeting of the House, which his Majesty doth collect into three points. First, to give reasons why they should yield to no supply: secondly, to examine the answers to the grievances, and wherein they are not satisfactory: and thirdly, to consider what further immunities and exemptions are to be demanded for the people. His Majesty doth also perceive, both by my Lord of Montgomery and by Sir Roger Aston, that you could wish that his Majesty and your Lordships might have a meeting to consult of his affairs in Parliament.

"To both these his Majesty willeth this to be written:—

"That he maketh no doubt but that the cause of your late advice to adjourn the House was for that you foresaw they would do worse on Saturday than they had done on Friday.

and how you are now assured that when they meet again on Thursday they will not be in the same mood, his Majesty would be glad to know. For he assurcth himself that if your Lordships thought the House would follow the same humor, you would not advise their meeting. His Highness wisheth your Lordships to call to mind that he hath now had patience with this assembly these seven years, and from them received more disgraces, censures, and ignominies, than ever Prince did endure. He followed your Lordships' advices in having patience, hoping for better issue. He cannot have asinine patience; he is not made of that metal that is ever to be held in suspense and to receive nothing but stripes; neither doth he conceive that your Lordships are so unsensible of those indignities, as that you can advise any longer endurance. For his part he is resolved, though now at their next meeting they would give him supply were it never so large, and sance it with such taunts and disgraces as have been uttered of him and of those that appertainto him (which by consequence redound to himself), nay though it were another kingdom, he will not accept it.

"Therefore touching the other point of his meeting with your Lordships, either by his coming nearer to you or any of your coming to him, his Highness thus answereth. That no man should be more willing to take pains than he, when there is hope of good to come by it. But as things now stand in appearance, for him to put either himself or you to the labor of an unpleasant journey without likelihood of comfort, but on the contrary when you meet together to find the pains of your bodies aggravated with vexation of spirit, or to part irresolute as at the last conference you did. — his Majesty doth not see to what end such a meeting should be. But for aught he seeth in his own understanding, he taketh no other subject of consultation to be left, than how the Parliament may end quietly, and he and his subjects part with fairest show; which he conceiveth must begin with some new adjournment until Candlemas term or the end thereof in regard of the nearness of Christmas. And in the mean time your Lordships and he may advise both how to dissolve it in best fashion, and fall to other consultation about his affairs."

The rest, so far as it concerns us, may be told in the words of the private Journal: —

"On Saturday the Speaker received a letter from his Majesty signifying that he had offered divers things of grace for the good of his subjects, but the more he was desirous to give them contentment, he did perceive the less it was regarded, and that new grievances and complaints were raised to his dishonor. And therefore he commanded him to adjourn the House and all Committees till Thursday following. At what time we should hear further from him.

"And so accordingly the Parliament was adjourned, and from thence adjourned by Commission to some of the Lords, usque 9 Febr., the King being at Royston."

These adjournments had been so timed (by the care of Salisbury, I think, rather than the King) as to prevent the House from doing any business after the 24th of November, and on the 29th February the Parliament was dissolved. So that Salisbury's second project failed (as might indeed have been expected) more signally than the first. And a very great failure it was, whoever was to blame for it. That he failed to get what he first demanded was no great matter: the demand was exorbitant, and the chance of winning (though small) might have been good enough to make it worth the trial, if the only consequence of *not* winning had been to go without the money. But that was far from being the case. The long negotiation — opened, carried on, and broken off as it had been — left the discontents of the House of Commons aggravated and exasperated by discussion and disappointment, and the King's finances worse embarrassed than ever; because the notoriety of his necessities and the utter failure of this great effort to relieve them, from which so much had been expected, left him not only without money but without credit. So that the terms on which they parted, though displeasing alike to both, were infinitely to the disadvantage of the King. The

Commons had lost nothing ; nothing at least that touched their particular pockets or feelings (for of the general evils of a distracted government they came in of course for their share) : in spite of their unredressed grievances, they could make money, build houses, feed themselves, clothe themselves, marry and give in marriage, as merrily as ever. But the King could not borrow £100,000 of the Aldermen, to pay his most pressing debts with. The emptiness of the Exchequer, the shifts and perplexities of the Lord Treasurer, became the common talk of the Town. Ambassadors were told that they must wait for their salaries. Pensioners were forced to turn duns. The Paul's-walkers entertained themselves with wondering how Salisbury would scrape together money enough to provide the usual Christmas festivities. And though the House of Commons had not intended to try the effect of absolutely refusing the supplies, they had now an opportunity of seeing what the effect was.

What Bacon thought of all this while it was going on, must be left to conjecture : except as a reporter of other men's speeches, or an occasional intercessor to moderate rash counsels, he appears to have had no part in it. Of what he thought about it afterwards, and what conclusions he drew from the history of it, we shall hear a good deal presently ; and then it will be seen why I thought it necessary to enter so fully into the particulars of a transaction with which he had so little to do.

The prorogation and subsequent dissolution of the Parliament left Bacon with another season before him of political inactivity : for while Salisbury lived he had no room for action beyond the ordinary business of his place, except in the House of Commons ; nor much there, except as a supporter of measures which were not of his own advising. To this period we owe the new essays published in 1612 : — an addition to the very small collection printed fifteen years before so considerable that it

may be said to have made the work which was destined to make him the personal and familiar acquaintance of all future generations of Englishmen. Further additions at a later time greatly increased its value, but its character was henceforth established and its immortality secure. The edition of 1612, had it been the last, would undoubtedly have held the same position in literature which the edition of 1625 does now. To this period also we owe the revision and collection of those speeches and writings of business which belong to this division of his works, and represent the most important part of his active life. And though we have not the means of dating accurately the several stages in the progress of the "Great Instauration," there can be little doubt that this was one of its most fertile seasons. The revelations of Galileo's telescope — an invention "*et fine et aggreum nobile quoddam et humano genere dignum*" — were the fresh news of the time, and in the "Descriptio Globi Intellectualis," the "Thema Cæli," the speculation on the ebb and flow of the sea, and other essays on the philosophy of the universe, we may see traces of the interest which they had excited in him.

Unfortunately the same time which promised to throw so much new light upon the kingdom of nature portended much trouble to the kingdom of England. The relation between the Crown and the Commons as it remained after the dissolution must have been a matter of great anxiety to any one who understood it, and forebaw the consequences; and must have convinced Bacon, who certainly did understand it very clearly, that if ever he had an opportunity of assisting in setting it right, it was in that work that his first duty now lay. A few years before, he had professed a desire to withdraw from active business of state and devote himself to the prosecution of the work which he had selected for himself in his early youth as worthiest in its object and best suited to his



capacity ; nor is there any reason to suppose that, at that time, he would not have done so if he could have afforded it. He would now, I think, have qualified the desire with an important condition, — namely, that the relation between the King and the people should be first placed on a safer footing.

For the present indeed he could do nothing towards the remedy. Salisbury had played his great card and lost the game ; and I do not find that he had any other device in store which had even a show of being sufficient : only shifts and temporary expedients. But he held his place ; and Bacon could only continue to do as he had done before, — give him such help as he would accept, and insinuate his readiness to give more. How scanty the opportunities were which he could take hold of, may be inferred from the small number and unimportant nature of the papers belonging to the period between the dissolution of Parliament and Salisbury's death, which have come down to us.

The first of these is a letter to the King in behalf of his own particular fortunes. The Speaker of the last House of Commons, who had always been in confidential correspondence with Salisbury and done his best to help the King's business through on some critical occasions, had been rewarded with the Mastership of the Rolls ; and Sir Julius Cæsar, another earnest and admiring ally, had received a grant of the reversion of the office. Bacon, who had good reason to know that if the choice of an Attorney General were left to Salisbury, he could not count upon succeeding to the place himself in the event of a vacancy, began to fear that the lines of his own promotion would be all cut off ; and thought it prudent to secure his chance by obtaining directly from the King a promise of the reversion.

If I am right in connecting the application with the grant of the reversion of the Mastership of the Rolls to

Sir Julius Cæsar — which was the “preferment of law” most likely to interfere with Bacon’s prospects — it must have been written early in 1611.

TO THE KING, DESIRING TO SUCCEED IN THE ATTORNEY’S PLACE.

IT MAY PLEASE YOUR MAJESTY, — Your great and princely favors towards me in advancing me to place, and that which is to me of no less comfort, your Majesty’s benign and gracious acceptation from time to time of my poor services, much above the merit and value of them, hath almost brought me to an opinion, that I may sooner perchance be wanting to myself in not asking, than find your Majesty’s goodness wanting to me in any my reasonable and modest desires. And therefore perceiving how at this time preferments of the law fly about mine ears, to some above me and to some below me, I did conceive your Majesty may think it rather a kind of dullness, or want of faith, than modesty, if I should not come with my pitcher to Jacob’s well, as others do. Wherein I shall propound to your Majesty that which tendeth not so much to the raising of my fortune, as to the settling of my mind: being sometimes assailed with this cogitation, that by reason of my slowness to sue and apprehend occasions upon the sudden, keeping one plain course of painful service, I may *in fine dierum* be in danger to be neglected and forgotten. And if that should be, then were it much better for me, now while I stand in your Majesty’s good opinion (though unworthy), and have some little reputation in the world, to give over the course I am in, and to make proof to do you some honor by my pen, either by writing some faithful narrative of your happy though not untroubled times; or by compiling your laws, which I perceive your Majesty laboureth with and hath in your head, as Jupiter had Pallas; or some other the like work (for without some endeavor

to do you honor I would not live); than to spend my wits and them in this laborious place wherein I serve, if it shall be deprived of those outward ornaments and inward comforts which it was wont to have, in respect of an assured succession to some place of more dignity and rest; which seemeth to be an hope now altogether casual, if not wholly intercepted. Wherefore, not to hold your Majesty long, my humble suit to you is that which I think I should not without suit be put by, which is, that I may obtain your assurance to succeed (if I live) into the Attorney's place, whensoever it shall be void; it being but the natural and immediate step and rise which the place I now hold hath ever in a sort made claim to, and almost never failed of. In this suit I make no friends to your Majesty, though your Majesty knoweth that I want not those which are near and assured, but rely upon no other motive than your grace; resting your M. most humble subject and servant.

The King gave him, it seems, the assurance which he asked: for in the course of the following summer or autumn the Attorney General had a serious illness; and Bacon writing to the King in acknowledgment of some favorable remembrance of himself which had been reported to him, alludes to his "royal promise touching the Attorney's place." The letter comes from his own collection. The date I suppose to be October or thereabouts; for on the 21st of that month I find John Murray expressing a hope that "if Mr. Attorney's sickness should not permit him to come abroad," some cause in which he was interested might be put off till the next Thursday, "by which time he hoped he would be well."

A LETTER OF THANKS TO THE KING, UPON MR. ATTORNEY'S SICKNESS.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY. —  
I do understand by some of my good friends, to my great

comfort, that your Majesty hath in mind your Majesty's royal promise (which to me is *anchora spei*), touching the Attorney's place. I hope Mr. Attorney shall do well. I thank God I wish no man's death; nor much mine own life, more than to do your Majesty service. For I account my life the accident, and my duty the substance. But this I will be bold to say; if it please God that I ever serve your Majesty in the Attorney's place, I have known an Attorney Cooke, and an Attorney Hubberd, both worthy men and far above myself; but if I should not find a middle way between their two dispositions and carriage, I should not satisfy myself. But these things are far or near, as it shall please God. Meanwhile I most humbly pray your Majesty accept my sacrifice of thanksgiving for your gracious favor. God preserve your Majesty. I ever remain —

The following letter has no date, but must have been written, I think, on the 1st of January 1611-12. We know that in the autumn of 1611 the Attorney General had an illness, serious enough to raise the question who should succeed him if he did not recover. We have seen what Bacon wrote to the King on that occasion, and it is to be presumed that either by letter or word he made some communication to Salisbury. If he received a favorable answer, — and it is not likely that he received any other, for Salisbury was seldom otherwise than friendly *secundum exteriorem*, — this is exactly the kind of letter he might have been expected to write to him when the season of compliments came round. And though we shall see hereafter that there lay under it a deep disapprobation of his recent proceedings, and even a devout wish in the interests of the country that he were out of the way, it was probably true that as long as he held his place and nothing could be done without his concurrence, Bacon desired nothing more than to obtain influence with him.

A LETTER TO MY LORD TREASURER SALISBURY, UPON  
A NEW YEAR'S TIDE.

IT MAY PLEASE YOUR GOOD LORDSHIP, — I would intreat the new year to answer for the old, in my humble thanks to your Lordship, both for many your favors, and chiefly that upon the occasion of Mr. Attorney's infirmity I found your Lordship even as I would wish. This doth increase a desire in me to express my thankful mind to your Lordship: hoping that though I find age and decays grow upon me, yet I may have a flash or two of spirit left to do you service. And I do protest before God, without compliment or any light vein of mind, that if I knew in what course of life to do you best service, I would take it, and make my thoughts, which now fly to many pieces, be reduced to that centre. But all this is no more than I am, which is not much, but yet the entire of him that is —

Another letter of friendly compliment to one whom Bacon had often in former times found a friend in need, belongs to the beginning of this new year, and affords an agreeable proof that the relation of borrower and lender does not necessarily end in estrangement. The occasion must be inferred from the letter itself. It is plain that in some emergency, a good while before, Bacon had been obliged to borrow a pair of stockings from Lady Hickeys or her daughter, and had neglected to return them. He takes advantage of a new year's tide to confess the fault and repay the obligation.

The first sentence implies a fact which it is pleasant to know: for I take it that the debts which Bacon had owed to Sir Michael Hickeys were heavy ones.

TO MY VERY GOOD FRIEND SIR MICHAEL HICKEYS,  
KNIGHT.

SIR MICHAEL, — I do use as you know to pay my

debts with time. But indeed if you will have a good and parfite color in a carnation stocking it must be long in the dyeing. I have some scruple of conscience whether it was my Lady's stockings or her daughter's, and I would have the restitution to be to the right person, else I shall not have absolution. Therefore I have sent to them both, desiring them to wear them for my sake, as I did wear theirs for mine own sake. So wishing you all a good new year, I rest

Yours assured,

FR. BACON.

GRAYS INN,

this 8<sup>th</sup> of Jan. 1611.

We now come to a paper for which Bacon must be regarded as altogether answerable: and it is the rather deserving of attention because some severe censures have been passed upon him for writing it. Being a purely voluntary performance, not in any way connected with the business of his office, and having been carefully preserved among his papers by himself, it may be justly treated as an act of his own; and whatever blame it merits rests with him. But I think the censures have been passed without due attention to the circumstances; of which a sufficient record has fortunately, though accidentally, been preserved.

Thomas Sutton, having in a long life of various enterprise amassed a great fortune, proposed to bestow the bulk of it after his death upon some great public charity, for which he had been long engaged in making provision and preparation. He died on the 12th of December, 1611, leaving a will of which we have the following contemporary report, written a few days after:—

"I cannot yet learn many particulars of his will, but thus much hath been told me from the mouth of auditor Sutton one of his executors,—that he hath given £20,000 ready money to charitable uses, to be disposed by the Archbishop of Canterbury, the Bishop of Ely, and the Bishop of London. He hath left

£8,000 lands a year to his college or hospital at the Charterhouse (which is not bestowed on the Prince, as was given out), to the maintenance of eight score soldiers [gentlemen] (2), who are to have pensions according to their degree, as they have borne places of captains, lieutenants, or alarums, or the like. There is a school likewise for eight score scholars, with £100 stipend for the schoolmaster, and other provision for ushers; with 100 marks a year wages for a gardener, to keep the orchard and gardens in good order. Many other legacies I hear of, which you shall have together if I can get them. I cannot learn of much that he hath left to his poor kindred: not above the value of £400 a year."

So much we may suppose Bacon knew of the matter at this time, — being the news of the day; and I do not know that he had other special means of information. But the will was not destined to pass unquestioned. On the 15th of January, 1611-12, Chamberlain writes again:

"Rich Sutton's will is called in question, and will come sub judice. A certain tanner, pretending to be his heir at common law, goes about to overthrow it, and wants not abettors. He was called to the council table on Sunday and there bound in £100,000 (if he do evict the will) to stand to the King's award and arbitrement."

Of this also we may presume that Bacon was informed, though there is no reason to suppose that up to this time he had anything else to do with it. At any rate he must have known all about it soon after, for he was one of the law officers appointed by the Privy Council to hear and report upon the cause. And I conclude it was at this time, and with a view to the possible issue of this proceeding, that he drew up the following paper of advice to the King: advice of which the wisdom may possibly be disputed, though I rather think that the history of charitable institutions in England would supply more examples in approval than in disapproval of it; but which certainly, as long as he himself believed it to be good, he



cannot reasonably be censured for offering. Faithful alumni of the Charterhouse may indeed be excused for protesting vehemently against an argument which assails the principles of their foundation, and for finding Bacon guilty of an error in judgment. But those who accuse him of advising a violation of the law must surely have overlooked the second paragraph, in which it is expressed as distinctly as possible that the intentions of the testator are not to be interfered with as long as the bequest is either held good in law or can be made good by equity. And his ideas concerning the conditions under which charities of this kind may be made to do most good may still be studied with advantage.

#### ADVICE TO THE KING, TOUCHING SUTTON'S ESTATE.

MAY IT PLEASE YOUR MAJESTY, — I find it a positive precept of the old law, that there should be no sacrifice without salt: the moral whereof (besides the ceremony) may be, that God is not pleased with the body of a good intention, except it be seasoned with that spiritual wisdom and judgment, as it be not easily subject to be corrupted and perverted: for salt, in the scripture, is a figure both of wisdom and lasting. This cometh into my mind upon this act of Mr. Sutton, which seemeth to me as a sacrifice without salt, having the materials of a good intention, but not powdered with any such ordinances and institutions as may preserve the same from turning corrupt, or at least from becoming unsavory and of little use. For though the choice of the feoffees be of the best, yet neither they can always live, and the very nature of the work itself, in the vast and unfit proportions thereof, being apt to provoke a mis-employment, it is no diligence of theirs (except there be a digression from that model) that can excuse it from running the same way that gifts of like condition have heretofore done. For to design the Charterhouse, a building fit for a Prince's habitation, for

an hospital, is all one as if one should give in alms a rich embroidered cloak to a beggar; and certainly a man may see, *tanquam quæ oculis cernuntur*, that if such an edifice, with six thousand pounds revenue, be erected into one hospital, it will in small time degenerate to be made a preferment of some great person to be master, and he to take all the sweet, and the poor to be stinted, and take but the crumba; as it comes to pass in divers hospitals of this realm, which have but the names of hospitals, and are but wealthy benefices in respect of the mastership; but the poor, which is the *propter quid*, little relieved. And the like hath been the fortune of much of the alms of the Roman religion in their great foundations, which being begun in vain glory and ostentation, have had their judgment upon them to end in corruption and abuse. This meditation hath made me presume to write these few lines to your Majesty; being no better than good wishes, which your Majesty's great wisdom may make something or nothing of.

Wherein I desire to be thus understood, that if this foundation (such as it is) be perfect and good in law, then I am too well acquainted with your Majesty's disposition to advise any course of power or profit that is not grounded upon a right: nay further, if the defects be such as a court of equity may remedy and cure, then I wish that as St. Peter's shadow did cure diseases, so the very shadow of a good intention may cure defects of that nature. But if there be a right and birthright planted in the heir, and not remediable by courts of equity, and that right be submitted to your Majesty, whereby it is both in your power and grace what to do: then I do wish that this rude mass and chaos of a good deed were directed rather to a solid merit and durable charity than to a blaze of glory, that will but crackle a little in talk and quickly extinguish.

And this may be done, observing the *species* of Mr.

Sutton's intent, though varying in *individuo*. For it appears that he had in notion a triple good; an hospital, and a school, and maintaining of a preacher: which individuals resort to these three general heads; relief of poor, advancement of learning, and propagation of religion. Now then if I shall set before your Majesty, in every of these three kinds, what it is that is most wanting in your kingdom, and what is like to be the most fruitful and effectual use of such a beneficence, and least like to be perverted: that, I think, shall be no ill scope of my labor, how meanly soever performed; for out of variety represented, election may be best grounded.

Concerning the relief of the poor, I hold some number of hospitals with competent endowments will do far more good than one hospital of an exorbitant greatness. For though the one course will be the more seen, yet the other will be the more felt. For if your Majesty erect many, besides the observing the ordinary maxim, *Bonum quo communius eo melius*, choice may be made of those towns and places where there is most need, and so the remedy may be distributed as the disease is dispersed. Again, greatness of relief accumulate in one place doth rather invite a swarm and surcharge of poor, than relieve those that are naturally bred in that place: like to ill-tempered medicines, that draw more humor to the part than they evacuate from it. But chiefly I rely upon the reason that I touched in the beginning; that in these great hospitals the revenues will draw the use, and not the use the revenues; and so through the mass of their wealth they will swiftly tumble down to a mis-employment. And if any man say that in the two hospitals in London there is a precedent of greatness concurring with good employment, let him consider that those hospitals have annual governors; that they are under the superior care and policy of such a state as the city of London, and chiefly, that their revenues consist not upon certain

ties, but upon casualties and free gifts, which gifts would be withheld if they appeared once to be perverted; so as it keepeth them in a continual good behavior and awe to employ them aright; none of which points do match with the present case.

The next consideration may be, whether this intended hospital, as it hath a more ample endowment than other hospitals, should not likewise work upon a better subject than other poor; as that it should be converted to the relief of maimed soldiers, decayed merchants and house-holders, aged and destitute churchmen, and the like; whose condition, being of a better sort than loose people and beggars, deserveth both a more liberal stipend and allowance, and some proper place of relief, not ~~inter-~~ mingled or coupled with the basest sort of poor. Which project, though specious, yet in my judgment will not answer the designment in the event, in these our times. For certainly few men in any vocation, which have been somebody, and bear a mind somewhat according to the conscience and remembrance of that they have been, will ever descend to that condition as to profess to live upon alms, and to become a corporation of declared beggars; but rather will choose to live obscurely, and as it were to hide themselves with some private friends: so that the end will be of such an institution, that it will make the place a receptacle of the worst, illest, and most dissolute persons of every profession, and to become a cell of loiterers, and east serving-men, and drunkards, with scandal rather than fruit to the commonwealth. And of this kind I can find but one example with us, which is the alms knights of Windsor; which particular would give a man small encouragement to follow that precedent.

Therefore the best effect of hospitals is to make the kingdom if it were possible capable of that law, *that there be no beggar in Israel*: for it is that kind of people that

is a burden, an eye-sore, a scandal, and a seed of peril and tumult in a state. But chiefly it were to be wished such a beneficence towards the relief of poor were so bestowed, as not only the mere and naked poor should be sustained, but also that the honest person which hath hard means to live, upon whom the poor are now charged, should be in some sort eased: for that were a work generally acceptable to the kingdom, if the public hand of alms might spare the private hand of tax: and therefore of all other employments of that kind I commend most houses of relief and correction which are mixt hospitals, where the impotent person is relieved, and the sturdy beggar buckled to work, and the unable person also not maintained to be idle, which is ever joined with drunkenness and impurity, but is sorted with such work as he can manage and perform, and where the uses are not distinguished, as in other hospitals, whereof some are for aged and impotent, and some for children, and some for correction of vagabonds, but are general and promiscuous, that may take off poor of every sort from the country as the country breeds them. And thus the poor themselves shall find the provision, and other good people the sweetness of the abatement of the tax. Now if it be objected that houses of correction in all places have not done the good expected (as it cannot be denied but in most places they have done much good), it must be remembered that there is a great difference between that which is done by the distracted government of justices of peace, and that which may be done by a settled ordinance, subject to a regular visitation, as this may be; and besides the want hath been commonly in houses of correction of a competent and certain stock for the materials of the labor, which in this case may be likewise supplied.

Concerning the advancement of Learning, I do subscribe to the opinion of one of the wisest and greatest

men of your kingdom: That for grammar schools there are already too many, and therefore no providence to add where there is excess. For the great number of schools which are in your Highness realm, doth cause a want and doth cause likewise an overflow, both of them inconvenient, and one of them dangerous. For by means thereof they find want in the country and towns, both of servants for husbandry, and apprentices for trade: and on the other side there being more scholars bred than the state can prefer and employ, and the active part of that life not bearing a proportion to the preparative, it must needs fall out that many persons will be bred unfit for other vocations, and unprofitable for that in which they are brought up; which fills the realm full of indigent, idle, and wanton people, which are but *materia rerum novarum*.

Therefore, in this point, I wish Mr. Sutton's intention were exalted a degree, that that which he meant for teachers of children, your Majesty should make for teachers of men. Wherein it hath been my ancient opinion and observation, that in the universities of this realm (which I take to be of the best endowed universities of Europe) there is nothing more wanting towards the flourishing state of learning than the honorable and plentiful salaries of readers in arts and professions. In which point, as your Majesty's bounty already hath made a beginning, so this occasion is offered of God to make a proceeding. Surely readers in the chair are as the *Parents* in sciences, and deserve to enjoy a condition not inferior to their children that embrace the practical part; else no man will sit longer in the chair than till he can walk to a better preferment: and it will come to pass as Virgil says,

*Ut patrum in calidi referant juvenia nati*

For if the principal readers through the meanness of their entertainment be but men of superficial learning, and

that they shall take their place but in passage, it will make the mass of sciences want the chief and solid dimension, which is depth; and to become but pretty and compendious habits of practice. Therefore I could wish that in both the universities, the lectures as well of the three professions, Divinity, Law, and Physic, as of the three heads of science, Philosophy, arts of speech, and the Mathematics, were raised in their pensions unto £100 *per annum* apiece. Which though it be not near so great as they are in some other places, where the greatness of the reward doth whistle for the ablest men out of all foreign parts to supply the chair, yet it may be a portion to content a worthy and able man, if he be likewise contemplative in nature, as those spirits are that are fittest for lectures. Thus may learning in your kingdom be advanced to a further height; learning (I say) which under your Majesty, the most learned of kings, may claim some degree of elevation.

Concerning propagation of Religion, I shall in few words set before your Majesty three propositions; none of them devices of mine own, otherwise than that I ever approved them; two of which have been in agitation of speech and the third acted.

The first a college for controversies, whereby we shall not still proceed single, but shall as it were double our files, which certainly will be found in the encounter.

The second a receipt for (I like not the word Seminary in respect of the vain vows and implicit obedience and other things tending to the perturbation of states involved in that term) converts to the reformed religion, either of youth or otherwise. For I doubt not but there are in Spain, Italy, and other countries of the Papists, many whose hearts are touched with a sense of those corruptions and an acknowledgment of a better way; which grace is many times smothered and choked through a wordly consideration of necessity; men not knowing



where to have succor and refuge. This likewise I hold a work of great piety and a work of great consequence, that we also may be wise in our generation, and that the watchful and silent night may be used as well for sowing of good seed as of tares.

The third is, the imitation of a memorable and religious act of Queen Elizabeth; who, finding a part of Lancashire to be extremely backward in religion, and the benefices swallowed up in impropriations, did by decree in the Duchy erect four stipends of £100 *per annum* apiece, for preachers well chosen to help the harvest, which have done a great deal of good in the parts where they have labored; neither do there want other corners in the realm that would require for a time the like extraordinary help.

Thus have I briefly delivered unto your Majesty my opinion touching the employment of this charity; whereby that mass of wealth, that was in the owner little better than a stack or heap of muck, may be spread over your kingdom to many fruitful purposes, your Majesty planting and watering, and God giving the increase.

The legal question was tried afterward in 1613 before all the Judges in the Exchequer; and Bacon appeared as counsel for the pretended heir. But that was only in the ordinary practice of his profession: and judgment being given in favor of the will, the advice (whatever the King thought of it) of course fell to the ground, there being no opportunity to act upon it.

## CHAPTER IV.

A. D. 1612-1618. *ÆTAT.* 52-58.

THE consultation about the King's affairs which was to succeed the dissolution of the last Parliament had not thus far brought forth much fruit. Neither the raising of the price of gold pieces, nor the erection of the new order of Baronets, can have afforded any material relief to the Exchequer; for the first did not involve a fresh coinage, and the fruits of the other were appropriated to the colonization of Ulster. Privy seals and loans from the City were merely borrowings for the present at the expense of the future: and the total result of Salisbury's financial administration appears to have been the halving of the debt at the cost of almost doubling the deficiency. He died on the 24th of May, after a few months' illness, leaving the debt £500,000 and the ordinary annual expenditure in excess of the ordinary annual revenue by £160,000.

Bacon felt that the occasion was a critical one. It was plain that everything had been going wrong of late. But Salisbury had had so much to do with everything, that his death, which though not sudden had been preceded by no retirement from business or transfer of power to other hands, left a large space clear for a thorough re-arrangement. The place of Secretary as well as Treasurer was now vacant; and there was no man (with the exception perhaps of Coke on the Bench) whose personal qualities, combined with his position, gave him an overruling power even in his own department. But this

state of things could not be expected to last long. The new streams would soon find new channels from which it would again be difficult to divert them. To rectify the relation between the King and his people, which the dissolution of the late Parliament had left quite out of joint, it was necessary to have another Parliament with which he could proceed in harmony. And to make this possible, it was necessary not only that he should present himself in a new character to his subjects, but that they should feel that the new character was his own, and that that in which he had last appeared was not his own. If he could but have been persuaded, and been able, to seize the moment of Salisbury's death for an entire change in his own ways,—if he could from that moment have laid his former character aside and shown himself a new man,—he might I think have succeeded. It would have been thought that his true nature had been obscured till then by his minister, and appeared now in its natural lustre. Nor is it impossible that a *successfull* experiment of that kind might really and permanently have changed him. For certainly his untought sympathies and natural impulses were always with the people and human nature, and I cannot help thinking that if he had once tried the experiment of wearing his prerogative a little more carelessly, he would have found it so much more comfortable and becoming that he would have continued the fashion. But if this was to be done, it must be done suddenly. It is in times of change that new impressions are wrought in so as to last: when they have been allowed to settle, the new will hardly incorporate with the old.

Now therefore was the time: and now once more Bacon was tempted to step out of his course. Hitherto the very few (and I hope I may now say the very modest) applications which he had made to the King on his own behalf had been merely for ordinary advancement in the regular course of his profession. But upon Salisbury's death it

could not but occur to him that the King might have much more important use of him as a councillor of State than merely as a State lawyer. The King had in fact to choose a new prime minister; which in this case was almost as much as forming a new administration. Whom had he to choose from? He had in his Council the Lord Chancellor; a man bred under Elizabeth, but now nearly worn out, chiefly occupied with the business of his Court, and never much of a politician. He had the Earl of Northampton; a man in high repute for learning and talent, especially as a writer (being indeed a great artist with his pen according to the fashionable taste of the day), but unpopular, from a suspected leaning to Popery, and not a man of any real judgment or ability (so far as I can make him out), nor patriotic in his ends, nor scrupulous in his methods of pursuing them. He had Robert Carr, now Lord Rochester; an inexperienced and uneducated youth, given to pleasure, greedy of gain, intoxicated by his sudden elevation, disliked by the people because he was a Scotchman and getting all the good things, and having an interest in the King's affections which gave him an influence over his counsels greater probably than the King was aware of. He had the Earl of Suffolk; a great courtier, and a magnificent sort of person, but of whose ideas (if he had any) we know nothing. The rest were either instruments, or ciphers, or quiet people who minded only their own business and did not affect to interfere with the management of the State. By far the best head (I take it) in James's Council was his own; and a very sufficient head it would have been if it had been applied steadily to its work. But he was far too easy a master both to himself and to those about him. He was forever excusing himself from following his own judgment — from doing what he would have advised any one else to do in the same situation — when it was opposed by his favorites or disagreeable to himself; and on

that account, in such times as he had fallen upon, — with a debt of £500,000, an annual deficiency of £160,000, and a House of Commons newly awakened to a sense as well of his necessities as of their own powers, and determined to make the most of their advantage, — he was no fit man to be his own prime minister.

What course Bacon actually took in this exigency, I cannot certainly say : for in a matter which requires delicate walking a man will sometimes draw up a letter in due form by way of experiment, to see how it looks on paper, and keep it back if he does not like the look of it : but the course he meditated and *wished* to take may be gathered from the following letters, — two of them certainly written at this time, and the third probably not long after, — and all found among the drafts and copies preserved in his own cabinet. That none of the three was included in his "register-book of letters," may be sufficiently explained perhaps by their private and confidential character, without supposing that they were ultimately withheld. And if they were withheld, it may have been only because he had had an opportunity in the mean time of speaking to the King in private ; which it would appear from one of the "apophthegms" that he really had upon this very occasion. But however that may be, his private thoughts and intentions are what we are chiefly concerned with, and of these they afford the best evidence.

The first is evidently the beginning of a letter, with the progress of which he was so ill satisfied that he laid it by and began another. It is a rough draft, written in his own hand and partly in Greek characters — a precaution which he took occasionally when he wished to keep a writing more private ; and has the following docket, also in his own hand.

THE BEGINNING OF A LETTER TO THE KING IMMEDIATELY AFTER MY LORD TREASURER'S DECEASE.

May 29, 1612.

IT MAY PLEASE YOUR MAJESTY, — If I shall seem in these few lines to write *majora quam pro fortuna*, it may please your Majesty to take it to be an effect not of presumption but of affection. For of the one I was never noted; and for the other I could never show it hitherto to the full; having been as a hawk tied to another's fist, that might sometimes bait and proffer but could never fly. And therefore if, as it was said to one that spake great words, *Amice, verba tua desiderant civitatem*, so your Majesty say to me, "Bacon, your words require a place to speak them;" I must answer, that place or not place is in your Majesty to add or refrain: and though I never go higher but to Heaven, yet your Majesty —

The next is probably the letter which he substituted; and either sent, or wrote with the intention of sending. Whether sent or not, it is one of the most important in the collection; for it proves unquestionably that the only remedy for the King's difficulties which Bacon would at this time have advised him to seek was to be sought through Parliament.

This is only a copy; but it is a contemporary copy, made by one of his own scribes. It has no flyleaf: and the indorsement, which is in a comparatively modern hand, was probably copied from the original docket. It runs thus: —

31 MAY: LETTER TO THE KING, IMMEDIATELY AFTER THE LORD TREASURER'S DEATH.

IT MAY PLEASE YOUR EXCELLENT MAJESTY, — I cannot but endeavor to merit, considering your preventing graces, which is the occasion of these few lines.

Your Majesty hath lost a great subject and a great servant. But if I should praise him in propriety, I should say that he was a fit man to keep things from growing worse but no very fit man to reduce things to be much better. For he loved to have the eyes of all Israel a little too much upon himself, and to have all business still under the hammer and like clay in the hands of the potter, to mould it as he thought good; so that he was more in *operatione* than in *opere*. And though he had fine passages of action, yet the real conclusions came slowly on. So that although your Majesty hath grave counsellors and worthy persons left, yet you do as it were turn a leaf, wherein if your Majesty shall give a frame and constitution to matters, before you place the persons, in my simple opinion it were not amiss. But the great matter and most instant for the present, is the consideration of a Parliament, for two effects: the one for the supply of your estate; the other for the better knitting of the hearts of your subjects unto your Majesty, according to your infinite merit; for both which, Parliaments have been and are the antient and honorable remedy.

Now because I take myself to have a little skill in that region, as one that ever affected that your Majesty mought in all your causes not only prevail, but prevail with satisfaction of the inner man; and though no man can say but I was a perfect and peremptory royalist, yet every man makes me believe that I was never one hour out of credit with the lower house: my desire is to know whether your Majesty will give me leave to meditate and propound unto you some preparative remembrances touching the future Parliament.

Your Majesty may truly perceive, that, though I cannot challenge to myself either invention, or judgment, or elocution, or method, or any of those powers, yet my offering is care and observance; and as my good old mistress was wont to call me her watch-candle, because it



pleased her to say I did continually burn (and yet she suffered me to waste almost to nothing), so I must much more owe the like duty to your Majesty, by whom my fortunes have been settled and raised. And so craving pardon, I rest

Your Majesty's most humble servant devote,

F. B.

The exact date of the third is uncertain. It is a rough draft in Bacon's own handwriting, and whether it ever proceeded further we have no means of knowing: for it is quite exceptional, and points to a project to which I have found no other allusion anywhere. It is quite possible that it was only a thought which perished in the setting down. But the meaning cannot be mistaken, and the date cannot be far removed from where we now are.

As the only remedy for the King's affairs was to be sought from Parliament, so his principal difficulty lay in the Lower House. Salisbury had had long experience as a member of the Commons before he was raised to the Peerage, and had a party there of personal adherents afterwards. Yet even in his time the Government was but weakly represented. "I must tell you," writes Sir Edward Hoby to Sir Thomas Edmunds, 7 March, 1605-6, "that I think the State scorneth to have any privy counsellors of any understanding in that house." And after Salisbury's death it would be difficult to name any member either of the Council or of Parliament whose position in the government combined with his personal weight would have enabled him to conduct the Government business in the Lower House with effect. I suppose Sir Julius Caesar would have been considered the highest representative of the Council in the last house, but he does not appear to have had any personal influence in debate. What was wanted was some man who could fill

the position which Salisbury had filled in Elizabeth's two last Parliaments : — a principal secretary of state, qualified to lead the Lower House. And though, among the many candidates for the vacant secretaryship, there was more than one who might have done well enough, the difficulties of one kind or another in the choice were so great, that the appointment remained still, and seemed likely to remain, in suspense. That rumor never suggested the name of Bacon, was owing probably to the fact that the office lay out of the ordinary line of promotion for a lawyer. And yet there can hardly be a doubt that he would have been the fittest man : nor was there any apparent objection to his being transferred to that department, if he were himself willing. It was this consideration, I suppose, which prompted him about this time to write the following letter.

## TO THE KING.

IT MAY PLEASE YOUR EXCELLENT MAJESTY, — My principal end being to do your Majesty service, I crave leave to make at this time to your Majesty this most humble oblation of myself. I may truly say with the psalm, *Multum incola fuit anima mea* ; for my life hath been conversant in things wherein I take little pleasure. Your Majesty may have heard somewhat that my father was an honest man, and somewhat you may have seen of myself, though not to make any true judgment by, because I have hitherto had only *potestatem verborum*, nor that neither. I was three of my young years bred with an ambassador in France, and since I have been an old truant in the school-house of your council-chamber, though on the second form ; yet longer than any that now sitteth hath been on the head form. If your Majesty find any aptness in me, or if you find any scarcity in others, whereby you may think it fit for your service to remove me to business of state ; although I have a fair way be-

fore me for profit (and by your Majesty's grace and favor for honor and advancement), and in a course less exposed to the blasts of fortune, yet now that he is gone, *quo vicente virtutibus certissimum exitum*, I will be ready as a chessman to be wherever your Majesty's royal hand shall set me. Your Majesty will bear me witness, I have not suddenly opened myself thus far. I have looked on upon others, I see the exceptions, I see the distractions, and I fear Tacitus will be a prophet, *magis alii homines quam alii mores*. I know mine own heart, and I know not whether God that hath touched my heart with the affection may not touch your royal heart to discern it. Howsoever, I shall at least go on honestly in mine ordinary course, and supply the rest in prayers for you, remaining, etc.

If the King could have taken courage to accept this offer, — to make Bacon his principal Secretary of State and uphold him firmly in the office, — making him to himself what the first Cecil had been to Elizabeth in the beginning of her reign, — it is possible that the after history of England would have run in another course. But perhaps it would have required the spirit of Elizabeth to do it. James could not have done it without giving deep offense to all the great people with whom he lived, and encountering a great deal of direct and indirect opposition from them: and he was not forced to resolve by the necessity of immediate action. For upon the question of calling a new Parliament (in which case the obvious necessity of having a competent man to manage his business in the House of Commons must have hastened decision) there were divisions in the Council. The Earl of Northampton, who from his age, his rank, his reputation, his abilities, and especially from his influence with Rochester (an influence natural enough in itself and greatly increased by Rochester's interest in him

niece — for that unhappy business was already on foot). was now become one of the most powerful men in the kingdom, is known to have been strongly against it. Sir Julius Caesar, who (now that Salisbury was gone) was the greatest official authority in matters of the Exchequer, appears (if he was really the author of the dialogue on the Great Contract) to have countenanced the opinion that the powers which the King possessed were sufficient without the help of Parliament, to deliver him from his embarrassments. Rochester cannot be supposed to have had many ideas of his own on so difficult a subject. The King had ideas enough; but with a Council so constituted he had very imperfect opportunities of knowing the truth, and with so fresh a recollection of recent disappointments and disgusts, would naturally incline to the opinion of those who promised to set his affairs straight without risking an appeal to that troublesome assembly. In such circumstances one cannot wonder that he resolved not to try a Parliament, or at least put off the resolution to try one, till all other means of rectifying his estate should be put in force. It happened that his case could ill bear any such delay. Delay itself was bad; and perhaps the manner in which the interval was employed made it still worse. But so it was to be. The consideration of a Parliament was suspended for the present. The appointment of a Secretary of State was postponed. The Treasurership was put in commission. The Council was set hard at work to find all possible means of abating the expenditure and improving the revenue: Northampton taking the lead in Council, and Baron being one of the most active of the sub-commissioners appointed to assist.

His letters, however, had not been altogether thrown away. Though the King did not make him a Councillor, he encouraged him to offer counsel upon the most important affairs of state; listened to him; and was I think

generally disposed to act (I say *disposed* to act, for between the disposition to do a thing and the doing of it there was in his case a great gap) upon his suggestions. So that from the moment of Salisbury's death Bacon became a much more important person. Of this we have evidence not only in the more frequent mention of his name in Northampton's reports of council business, and the kind of work in which he was employed, — such as the drawing up of instructions to the commissioners for collecting the "aid" on the marriage of the Princess Elizabeth, which both for form and substance were left entirely to him, — the "account of the committees for the repair of the King's state and raising of moneys," in which he seems to have had a principal hand; and the investigation of certain frauds practiced against the Crown by the farmers of the Customs and Wines, in which his skillful pursuit of the *mysterium iniquitatis* is specially reported, — but chiefly in a letter of his own to the King, from which we learn how the experiment of bringing the ordinary receipts nearer to an equality with the ordinary expenditure by better management of the Crown property was succeeding, and what he thought of the case. We have already seen that it was not in this direction that he himself expected to find an effectual remedy: the remedy, in his opinion, must come from Parliament. But as it had been decided to try this course first, it was not the less important that it should be tried out; and the very expectation that it would fail would be a motive with him for exhausting all the possibilities of success, and thereby depriving its advocates of all plausible ground for wasting more time in the attempt. The letter is docketed in his own hand, "My letter to the King touching his estate in general. September 18th, 1612."

## TO THE KING.

IT MAY PLEASE YOUR EXCELLENT MAJESTY, — I have with all possible diligence, since your Majesty's progress, attended the service committed to the sub-commissioners touching the repair and improvement of your Majesty's means; and this I have done not only in meeting and conference and debate with the rest, but also by my several and private meditation and inquiry. So that besides the joint account which we shall give to the Lords, I hope I shall be able to give your Majesty somewhat *ex proprio*. For as no man loveth better *consulere in communi* than I do, neither am I of those fine ones that use to keep back anything wherein they think they may win credit apart, and so make the consultation almost *inutile*; So nevertheless, in case where matter shall fall in upon the bye, perhaps of no less worth than that which is the proper subject of the consultation, or where I find things passed over too slightly, or in case where that which I should advise is of that nature as I hold it not fit to be communicated to all those with whom I am joined, these parts of business I put to my private account; not because I would be officious (though I profess I would do works of supererogation if I could), but in a true discretion and caution. And your Majesty had some taste in those notes which I gave you for the wards (which it pleased you to say were no tricks nor novelties, but true passages of business), that mine own particular remembrances and observations are not like to be unprofitable. Concerning which notes for the wards, though I might say *sic vos non vobis*, yet let that pass.

I have also considered fully of that great proposition, which your Majesty commended to my care and study, touching the conversion of your revenue of land into a multiplied present revenue of rent; wherein I say, I have considered of the means and course to be taken, of

the assurance, of the rates, of the exceptions, and of the arguments for and against it. For though the project itself be as old as I can remember, and falleth under every man's capacity, yet the dispute and manage of it asketh a great deal of consideration and judgment; projects being like Æsop's tongues, the best meat and the worst, as they are chosen and handled. But surely, *ubi deficient remedia ordinaria, recurrendum est ad extraordinaria*. Of this also I am ready to give your Majesty an account.

Generally upon this subject of the repair of your Majesty's means, I beseech your Majesty to give me leave to make this judgment; that your Majesty's recovery must be by the medicines of the Galenists and Arabians, and not of the Chemists or Paracelsians. For it will not be wrought by any one fine extract or strong water, but by a skillful compound of a number of ingredients, and those by just weight and proportion, and that of some simples which perhaps of themselves or in over-great quantity were little better than poisons, but mixed and broken and in just quantity are full of virtue. And secondly, that as your Majesty's growing behind hand hath been the work of time; so must likewise be your Majesty's coming forth and making even. Not but I wish it were by all good and fit means accelerated, but that I foresee that if your Majesty shall propound to yourself to do it *per saltum*, it can hardly be without accidents of prejudice to your honor, safety, or profit.<sup>1</sup>

Lastly, I will make two prayers unto your Majesty, as I use to do to God Almighty, when I commend to him his own glory and cause; so I will pray to your Majesty for yourself.

The one is, that these cogitations of want do not any

<sup>1</sup> Here the fair copy, which has begun to grow less fair in the course of the last few leaves, ends in mid page without any mark of ending. The leaf, of which the beginning was to be found in the same volume, f. 242, and the end at f. 243, gives no aid to the text. I presume that Bacon made a fresh copy of the whole and sent it to the king.



ways trouble or vex your M.'s mind. I remember Moses saith of the land of promise, that it was not like the land of Egypt that was watered with a river, but was watered with showers from heaven: whereby I gather, God preferreth sometimes uncertainties before certainties, because they teach a more immediate dependence upon his providence. Sure I am, *nil novi accidit vobis*. It is no new thing for the greatest kings to be in debt; and if a man shall *parvis componere magna*, I have seen an Earl of Leicester, a Chancellor Hatton, an Earl of Essex, and an Earl of Salisbury, all in debt: and yet was it no manner of diminution to their power or greatness.

My second prayer is, that your Majesty in respect of the hasty freeing of your state would not descend to any means, or degree of means, which carrieth not a symmetry with your majesty and greatness. He is gone from whom those courses did wholly flow. To have your wants and necessities in particular as it were hanged up in two tablets before the eyes of your lords and commons, to be talked of for four months together: To have all your courses to help yourself in revenue or profit put into printed books, which were wont to be held *arcta imperii*: To have such worms of aldermen to lend for ten in the hundred upon good assurance, and with such . . .<sup>1</sup> as if it should save the bark of your fortune: To contract still where mought be had the readiest payment, and not the best bargain: To stir a number of projects for your profit, and then to blast them, and leave your Majesty nothing but the scandal of them: To pretend even carriage between your Majesty's rights and the ease of the people, and to satisfy neither: These courses and others the like I hope are gone with the deviser of them; which have turned your Majesty to inestimable prejudice.<sup>2</sup>

<sup>1</sup> I could not make out this word. "Entreaty"?

<sup>2</sup> The passage which follows here is struck through with Haron's pen.

I hope your Majesty will pardon my liberty of writing. I know these things are *majora quàm pro fortunâ*; but they are *minora quàm pro studio et voluntate*. I assure myself, your Majesty taketh not me for one of a busy nature; for my state being free from all difficulties, and I having such a large field for contemplations, as I have partly and shall much more make manifest to your Majesty and the world, to occupy my thoughts, nothing could make me active but love and affection. So praying my God to bless and favor your person and estate, etc.

I have mentioned the enlarged edition of Bacon's "Essays" as being probably one of the fruits of the period before Salisbury's death, when his services were not wanted except in the ordinary business of his place. The book was entered at Stationer's Hall on the 12th of October, 1612, and was meant to be dedicated to the Prince of Wales; and though the Prince's death on the 6th of November prevented this, the dedicatory letter which he had written is preserved in a manuscript copy of these "Essays," now in the British Museum.

Baile had printed it, but at the request of Lord Hardwick cancelled the leaf and filled up the space with a note of his own, containing a kind of protest against the foregoing censure of Salisbury. Whatever reason there may have been for suppressing the passage at that time, and I do not myself see any clear statement to us of something which Bacon felt, and thought it better to leave unaided, there can be no doubt now, since the publication of Lord Hardwick's letter to Birch (*Life of Lord Hardwick*, vol. ii. p. 43) the terms of which would not allow us to suppose that the cancelled leaf contained something very disadvantageous to Bacon, that it ought to be published. The words are: "I protest that, though I be not ignorant when I saw your Majesty's book against Aristotle and Aristotle, and noted your zeal to deliver the majesty from the vain and idle periphrases of Hecata and degenerate philosophy, as you had by your pen and pen's endeavored to deliver Kings from the usurpation of Rome, yet since you are now that you would set steadily upon you some visible favor, and let me not live if I thought not of the taking away of that man."

Bacon's judgment of Salisbury's financial policy may have been wrong, but there can be no reason now why we should not know what it was, and we could not have better evidence of what he really felt than the setting down and then striking out of a passage like this.

TO THE MOST HIGH AND EXCELLENT PRINCE, HENEY,  
PRINCE OF WALES, DUKE OF CORNWALL, AND EARL  
OF CHESTER.

IT MAY PLEASE YOUR HIGHNESS, — Having divided my life into the contemplative and active part, I am desirous to give his Majesty and your Highness of the fruits of both, simple though they be.

To write just treatises requireth leisure in the writer, and leisure in the reader, and therefore are not so fit, neither in regard of your Highness' princely affairs, nor in regard of my continual services; which is the cause that hath made me choose to write certain brief notes, set down rather significantly than curiously, which I have called *Essays*. The word is late, but the thing is ancient. For Seneca's epistles to Lucilius, if one mark them well, are but *Essays*, that is, dispersed meditations, though conveyed in the form of epistles. These labors of mine I know cannot be worthy of your Highness, for what can be worthy of you? But my hope is, they may be as grains of salt, that will rather give you an appetite than offend you with satiety. And although they handle those things wherein both men's lives and their pens are most conversant, yet (what I have attained I know not) but I have endeavored to make them not vulgar, but of a nature whereof a man shall find much in experience, and little in books; so as they are neither repetitions nor fancies. But howsoever, I shall most humbly desire your Highness to accept them in gracious part, and to conceive, that if I cannot rest, but must show my dutiful and devoted affection to your Highness in these things which proceed from myself, I shall be much more ready to do it in performance of any your princely commandments. And so wishing your Highness all princely felicity I rest,

Your Highness's most humble servant.

The Prince himself being removed beyond the reach of essays and dedications and all human services, it remained for Bacon to do a small service to his memory (in which the surviving world had an interest) by setting down a remembrance of his character. As he wrote it in Latin, and made no other use of it so far as we know, it has been conjectured with great probability that he meant it for De Thou to use in his history. It is a careful study of the man — an attempt to describe or make out what he was worth and what he was, by diligent examination of such personal traits as had come within Bacon's observation or knowledge; and though short, contains all that we can be said to know about him. We have no account of him from any of his familiars, if he had any. The sayings or doings which have been recorded of him are few and of no great significance. And the vague and featureless eulogies in which his memory was celebrated at the time, and with which history seems to be still content, tell us nothing but that people of all classes hoped great things of him: which was an inevitable incident of his position. From a well conducted and personable prince of nineteen, who had never had an opportunity of engaging in any public action that could give either satisfaction or offense, every man could hope what he pleased, and each hoped what he wished. If his brother Charles had died before he was twenty, I have little doubt that he would have died with as general regret, and that the fairest hopes of the country would as generally have been thought to have died with him. Bacon was never in any intimate relation with Prince Henry, but he had of course studied him diligently and curiously according to his opportunities, and in this paper we have a full, and to all appearance a candid and unreserved, report of the result of his study. It will be found among the *Literary Works*,<sup>1</sup> with a translation and a preface.

<sup>1</sup> Bacon's Works, vol. ii, Part II, p. 9

The marriage of the princess, which was celebrated as soon after the Prince's death as the customs of the time permitted, supplied Bacon with an occasion of exercising his taste in a department for which, alien as it was from his pursuits both of business and recreation, he always had a fancy; the preparation of the first masque presented by the gentlemen of Gray's Inn and the Inner Temple as their contribution to the festivities: of which (the subject being the marriage of the Thames and the Rhine), we are told that he was the chief contriver. After this, we hear no more of him except in a trial for contempt in disputing the legality of a Royal Commission for reforming abuses in the Navy, where he appeared as one of the counsel for prosecution, until the following summer, when the question of calling a Parliament came again under consideration.

A twelvemonth had now passed since the Council was set to work in earnest to find means of raising the income of the Crown, without help from Parliament, to an equality with its expenditure: a thing which the author of the dialogue on the Great Contract (supposed to be Sir Julius Caesar) had represented as practicable. It is now time to inquire what success they had had: for upon the issue of the experiment the policy of the coming years would mainly depend. A rough draft in Sir Julius Caesar's own hand of a report upon the proceedings of the Commissioners gives a full and clear account of the whole case. Four ways had been thought of. 1. Spending less. 2. Improvement of our present revenue. 3. New means of gain by projects, etc. 4. Parliament. Of these the third was thought "dangerous before Parliament," and the fourth "very uncertain." We need not trouble ourselves with the details; but the general result was that they had "abated and improved respectively to the King's profit, since my late Lord Treasurer's death, to the sum of £35,775," and that "there had been

brought in, or would have been into the receipt, if it had not been otherwise disposed of by his Majesty, together with that which was to come in before the end of December next in extraordinary to bear some part of the ordinary wants, £309,681." Now an increase in the ordinary revenue of £35,776 and a collection of £309,681 extraordinary, was not enough to supply an annual deficiency of £160,000 and pay a debt of £500,000. It was clear therefore that the last of the four ways to prevent ruin, though "very uncertain" a year ago, and more uncertain now, must be tried: and before the end of June the question of calling a Parliament was again formally referred to the Council for consideration.

Bacon - considering the extreme importance which he attached to this measure, the confidence with which he had volunteered his opinion in favor of it immediately after Salisbury's death, when he asked leave to propound to the King "some preparative remembrances touching the future Parliament," as "taking himself to have a little skill in that region," and the much more prominent position as an assistant in council-matters which he occupied now than then, — was not likely to let an occasion of this kind go by without some effort to lend a helping hand. I conceive therefore that certain undated papers of his which quite answer the description of "preparative remembrances touching a future Parliament," and which were certainly written when the question was brought up or about to be brought up again for consultation, and before any resolution had been taken, belong in point of date to the summer of 1613. Mr. Gardiner puts them half a year later: but that is only because he assumes them to be subsequent to another letter of later date, which it is clear to me they preceded. The date, however, is in this case of little importance, in so far as it is doubtful; the matter (which is of great importance) not being affected by it. Whether written in January,

1614, or in June, 1613, they contain the results of Bacon's meditations upon the question of calling a Parliament, and the manner in which it was to be dealt with in order to bring the session to a successful issue. Seldom, I suppose, has there been a measure of State which required more boldness and yet more delicacy in the handling; seldom a Council of State less favorably constituted for handling it well. For it was as easy to go wrong through too great an anxiety to further it as through too much obstinacy in opposing it. Too much faith and too little might be equally fatal. On one side there was Northampton, who had so little hope from a Parliament, that he seems to have been not only against its being tried, but desirous that it should miscarry. On the other side were a party of Parliament men, who out of confidence in their own experience and influence with the Lower House were rash enough to undertake the management of it, and to engage that if the King would follow their advice, his business should be carried to his satisfaction. At the head of these was Sir Henry Neville, an able and public-spirited man, with large and just views as to the state of the times, with sympathies well balanced between the people and the Crown, — earnest for the redress of grievances, yet hoping to be made secretary of state, — and possessing, it would seem, much influence over Rochester, which was the best opening for influence over the King. Several memorials and advices of his are extant which refer to this period; and it cannot be doubted, I think, that his *ends* were wise and patriotic. But the *era* was new and difficult, and the event proved that he did not thoroughly understand his ground. He knew the harbor which was to be steered for, and in which it would be good for all parties, and satisfactory to all parties, to arrive; but he had not thoroughly fathomed the depths and shallows of popular judgment in such an assembly as the House of



Commons had now become. The sands at the bottom were rapidly and secretly shifting, and the currents at the top were shifting with them. It was not either ancient experience or recent experience that could tell a man where the safe course now lay; but only the combination of experiences both old and new with that prophetic sagacity which is derived from a profound insight into the nature of man, and reserved for original genius of the highest order. It was no great blame to him, therefore, and his associates, if they ran the vessel aground; nor any great blame to James that he took them for his pilots. But I think he had the choice of a better.

That Bacon, had he been prime minister, could have carried the business through successfully, it is of course impossible to say. But the papers of which I am now speaking — and which though they have been accessible to everybody ever since the catalogue of the Cotton MSS. was open to inspection, have never been printed — enable me to say thus much: that though aiming at the very same ends (for I do not know that he would have objected to any one of the measures which Sir Henry Neville proposed to carry) he would have proceeded in a different manner; and that too from an apprehension of danger in the very quarter where the event proved that it really lay. We have seen how strongly he disapproved of the contract-policy which was pursued with the last Parliament, and how strongly he advised that no time should be lost in calling another. We are now to see what course he would have had the King take with it, in order to recover the ground which he had lost.

Two of these papers contain only his private meditations upon the questions to be considered, the result of the consideration not being recorded. But so much as he was then ready to offer in the shape of practical advice he proceeded to explain in a confidential letter addressed to the King himself.

## TO THE KING.

IT MAY PLEASE YOUR EXCELLENT MAJESTY, — Before your Majesty resolve with your Counsel concerning a Parliament, mine incessant care and infinite desire that your Majesty's affairs may go well have made me in the case of Elihu who, though he was the inferior amongst Job's counsellors, yet saith of himself that he was like a vessel of new wine, that could not but burst forth in uttering his opinion. And this which I shall write I humbly pray your Majesty may be to yourself in private. Not that I shall ever say that in your Majesty's ear which I will be either ashamed or afraid to speak openly; but because perhaps it might be said to me after the manner of the censure of Themistocles, "Sir, your words require a city;" so to me: "You forerun: your words require a greater place." Yet because the opportunity of your Majesty's so urgent occasion flieth away, I take myself sufficiently warranted by the place I hold, joined with your Majesty's particular trust and favor, to write these lines to your Majesty in private.

The matter of Parliament is a great problem of estate, and deserveth apprehensions and doubts. But yet I pray your Majesty remember that saying, *Qui timide regat dolet negare*. For I am still of the opinion (which I touched in general in my former letter to your Majesty), that above all things your Majesty should not descend below yourself; and that those tragical arguments and (as the schoolmen call them) ultimities of persuasions which were used last Parliament should for ever be abolished, and that your Majesty should proceed with your Parliament in a more familiar, but yet a more princely manner.

All therefore which I shall say shall be reduced to two heads.

First, that the good or evil effect like to ensue of a Parliament resteth much upon the course which

your Majesty shall be pleased to hold with your Parliament; and that a Parliament simply in itself is not to be doubted.

Secondly, what is the course which I would advise were held, as safest from inconvenience, and most effectual and likely to prevail.

In both which parts your Majesty will give me leave to write not curiously, but briefly; for I desire that what I write in this argument may be *nihil minus quam verba*.

For the first my reasons are: —

1. I do not find since the last Parliament any new action of estate amongst your Majesty's proceedings that hath been harsh or distasteful: and therefore seeing the old grievances (having been long broached) cannot but wax dead and flat, and that there hath been no new matter either to rub up and revive the old or to give other cause of discontent, I think the case much amended to your Majesty's advantage. It is true there have been privy seals, but it is as true they were never so gently either rated or pressed. And besides, privy seals be ever thought rather an attractive than a repercussive to subsidies.

2. The justice upon my Lord Sanquir hath done your Majesty a great deal of right, showing that your Majesty is fixed in that resolution,

*Tres Tyrannus in tu nullo discrimine agitur :*

which certainly hath rectified the spleen-side, howsoever it is with the liver.

3. Let it not offend your Majesty if I say that the Earls of Salisbury and Dunbarre have taken a great deal of envy from you and carried it into the other world, and left unto your Majesty a just diversion of many discontents.

4. That opposition which was the last Parliament to your Majesty's business, as much as was not *ex parte naturalibus*, but out of party, I conceive to be now much

weaker than it was, and that party almost dissolved. Yelverton is won; Sandes is fallen off; Crew and Hyde stand to be serjeants; Brocke is dead; Nevell hath hopes; Barkeley I think will be respective; Martin hath money in his purse; Dudley Digges and Holys are yours. Besides, they cannot but find more and more the vanity of that popular course: specially your Majesty having carried yourself in that princely temper towards them, as not to persecute or disgrace them, nor yet to use or advance them.

5. It was no marvel the last Parliament, men being possessed with a bargain, if it bred in them an indisposition to give; both because the breaking left a kind of discontent, and besides, Bargain and gift are *antitheta*, as the Apostle speaketh of Grace and Works; and howsoever they distinguished Supply and Support in words, yet they were commixed in men's hearts, and the entertaining of the thoughts of the one did cross, and was a disturbance and impediment to the other.

6. Lastly, I cannot excuse him that is gone of an artificial animating of the Negative; which infusion or influence now ceasing I have better hope.

For the course I wish to be held, I most humbly beseech your Majesty to pardon the liberty and simplicity which I shall use. I shall distribute that which I am to say into four propositions.

The first is —

1. That your Majesty do for this Parliament put off the person of a merchant and contractor, and rest upon the person of a King. Certainly when I heard the overtures last Parliament carried in such a strange figure and idea, as if your Majesty should no more (for matter of profit) have needed your subjects' help, nor your subjects in that kind should no more have needed your graces and benignity, — methought, besides the difficulty (in next degree to an impossibility), it was *animalis sapientia*,

and almost contrary to the very frame of a monarchy, and those original obligations which it is God's will should intercede between King and people.

Besides, as things now stand, your Majesty hath received infinite prejudice by the consequence of the new Instructions for the Court of Wards: for now it is almost made public that the profits of the Wards being husbanded to the best improvement (which is utterly untrue) yet amounteth to a small matter;<sup>1</sup> and so the substance of your bargain extremely disvalued.

2. My second proposition is that your Majesty make this Parliament but as a *coup d'essai*, and accordingly that your Majesty proportion your demands and expectation. For as things were managed last Parliament, we are in that case, *optima disciplina mala dediscere*. Until your Majesty have tuned your instrument you will have no harmony. I, for my part, think it a thing inestimable to your Majesty's safety and service, that you once part with your Parliament with love and reverence. The proportions I will not now descend unto: but if the payments may be quickened, there is much gotten.

And if it be said, his Majesty's occasions will not endure these proceedings *gradatim*: yes, surely. Nay I am of opinion that what is to be done for his Majesty's good, as well by the improvement of his own as by the aid of his people, it must be done *per gradus* and not *per saltum*; for it is the soaking rain and not the tempest that releaveth the ground.

3. My third proposition is that this Parliament may be a little reduced to the more ancient form (for I account it but a form), which was to voice the Parliament to be for some other business of estate, and not merely for money; but that to come in upon the bye, whatsoever the truth be. And let it not be said that this is but dancing in a net, considering the King's wants have been

<sup>1</sup> Estimated at £20,000 only.

made so notorious; for I mean it not in point of dissimulation but in point of majesty and honor; that the people may have somewhat else to talk of and not wholly of the King's estate; and that Parliament-men may not wholly be possessed with those thoughts; and that if the King should have occasion to break up his Parliament suddenly, there may be more civil color to do it. What shall be the causes or estate given forth *ad populum*; whether the opening of increase of trade (wherein I meet with the objection of impositions, but yet I conceive it may be accommodate), or whether the plantation of Ireland, or the reducement and recompiling of laws, — throwing in some bye-matters (as Sutton's estate,<sup>1</sup> or the like) — it may be left to further consideration. But I am settled in this, that somewhat be published besides the money matter; and that in this form there is much advantage.

Lastly, as I wish all princely and kind courses held with his Majesty's Parliament, so nevertheless it is good to take away as much as is possible all occasions to make subjects proud, or to think your Majesty's wants are remediless but only by Parliament. And therefore I could wish it were given out that there are means found in his Majesty's estate to help himself (which I partly think is true), but that, because it is not the work of a day, his Majesty must be beholding to his subjects: but as to facilitate and speed the recovery of himself rather than of an absolute necessity. Also that there be no brigues nor canvasses, whereof I hear too much; for certainly howsoever men may seek to value their service in that kind, it will but increase animosities and oppositions; and besides will make whatsoever shall be done to be in evil concert amongst your people in general afterwards.

Thus have I set down to your Majesty my simple opinion.

<sup>1</sup> That is, I suppose, in case the writ were evicted. Judgment was given in favor of the writ on 23d June, 1613.

ion, wherein I make myself believe I see a fair way through the present business, and a *dimidium totius* to the main. But I submit all to your Majesty's high wisdom, most humbly desiring pardon, and praying the highest to direct you for the best.

Your Majesty's most humble and true servant,

FR. BACON.

These papers, though they had been seen by Mr. Hallam and have since been largely commented upon by Mr. Gardiner, have not in my opinion received the attention they deserve, whether as illustrations of Bacon's political career, or as evidence concerning the history of the time. The confidential character of the letter to the King gives it a peculiar value, as containing Bacon's own private and original opinion. What a man writes or speaks concerning matters in which a resolution has already been taken by others or in concert with them, does not necessarily indicate his own personal opinion. He may be only making the best of a course which has been chosen against his judgment and advice; and there are many passages in Bacon's official and Parliamentary career which are to be read with that qualification. But where a man goes out of his way to offer his opinion in private upon matters which are still under consultation, and that too with a view to influence the decision, there we may be sure we have his own genuine views. There is nothing to restrain him from recommending exactly what he thinks best. It is worth while therefore to examine this piece of advice a little more closely, that we may be the better prepared to see how far it was attended to, and what were the consequences of neglecting it.

The course recommended by Sir Henry Neville was no doubt much simpler, and if we might assume that the success of it was as certain as he himself took it to be, might justly be preferred. It seems indeed to have been



framed for an age of innocence, when people had nothing to do but to be good. Let the King suspend for the present all projects for raising money independently of Parliament; make up his mind to grant to his subjects, as of grace, the things they desire; forbear any speech that may irritate; seem confident of their affection; speak graciously to the people during progress; take notice of the principal gentlemen and let them kiss his hand; "give order to the Archbishop to prohibit all books and invective sermons against the Parliament, so as notice may be taken of his Majesty's commandment before the meeting;" peruse the grievances last exhibited, see that all promises have been performed, and "if he would please to be gracious" in any of the others, "do it of himself before he be pressed;" Having summoned his Parliament to meet at Michaelmas, let him begin by announcing to them such favours and graces as he is ready to bestow, and inviting a deputation to confer with him about their further demands; let him "be gracious to his people in the points proposed, or any other of the like nature which may be thought of by the House when they meet (for beforehand no man can precisely say these things would be demanded and no other):" Let him do all this, and Sir Henry Neville is ready to answer for it, that "in a month or five weeks this point of supplying the King and of his retribution will be easily determined, if it be proposed betimes and followed close afterwards," — "that his Majesty shall receive as much contentment of this next Parliament as he received distaste of the former, — and that all things will end in that sweet accord that will be both honorable and comfortable for his Majesty and happy for the whole realm." After which — "when his Majesty hath made use of his people's affections to put him out of want, any fit projects that shall be offered may be the bolder entertained to fill his coffers."

What could be simpler or more delightful? But was he quite sure that nothing would be desired by the House of Commons but what the King, before he knew what it was, might safely engage to concede? Because if such a thing should happen, the whole castle would tumble.

Upon this extremely important point, the only satisfaction which Sir H. Neville had to offer was his own conviction that there was no danger. He had lived and conversed intimately with the leaders of the opposition in the last Parliament, "knew their inwardest thoughts on that business," and "durst undertake for most of them, that the King's Majesty proceeding in a gracious course towards his people should find those gentlemen exceeding willing to do him service, and to give him such contentment as might sweeten all the former distastes, and leave both his Majesty and the world fully satisfied of their good intentions and of the general affection of his subjects." He could not say exactly what concessions would satisfy them: but he had made "a collection of such things as had been by several men desired to be obtained of his Majesty for the good of his people," and from this it would be seen that they did not aim at anything unjust or unreasonable.

Perhaps not. But though the things asked for up to this time may have been reasonable, and the leaders may (like Neville himself) have been willing to rest there, who could answer for the followers? Moderate men may continue to lead as long as they continue to advance. But as soon as the party which they have created has learned its strength and the secret of it, their leadership is held thenceforward upon condition of going as far and as fast as their followers want to go. If they stop short, they are run over, and the lead is taken by whoever goes foremost. In this case Neville knew what concessions he was himself prepared to insist on as the conditions of a vote of supply, and knew them (we will suppose) to be just,

safe, and expedient. But how could he know that Heskyns or Wentworth or Clute would not insist upon extorting by the same means some concession which he would think unjust, unsafe, or inexpedient? How could he know that they would not carry a majority of the House with them? If they did, what could he and his friends do to prevent it? And if they could not prevent it, in what case did they leave the King? Of any provision, either for encountering an unreasonable opposition or securing in case of repulse an honorable retreat, there is no hint in any part of his paper.

Bacon's advice, though proceeding upon the same grounds and aiming at the same ends (for such a conclusion as Neville promised would have been all he wished for), differs in several points which are material. That a gracious meeting and parting between the King and the Parliament was a thing absolutely necessary; that no time was to be lost; and that he should proceed towards the Lower House with confidence, as having no doubt of their good affection: so far they agree. But at this point they part.

If the King followed Neville's advice, he would begin at once with an offer of his bills of grace, and an invitation to confer with the Lower House upon their desires and grievances; he would then have the question of supply and retribution proposed at once, and followed closely, so that the whole business might be concluded within a month or five weeks: he would make it in fact ostensibly and merely a money Parliament. If he followed Bacon's, this was the very thing which he would specially avoid. On the contrary, he would endeavor to bring the Parliament back to the ancient form. He would let it be understood that it was called for the consideration of some great question of State, such as the opening of trade, the colonization of Ireland, or the re-compilement of the laws; and say nothing about supply

or retribution : but leave such matters to come up by the way. He would have measures in readiness for the contentment and comfort of the people ; but instead of inviting the Lower House to discuss with him their desires and complaints (a sure way of teaching them to extend the list), he would endeavor so to occupy their attention that the collecting and discussing of grievances should be kept back till his own business were well advanced.

Again : If he followed Neville's advice, he would bring the popular demand for concessions and his own demand for supply into such close proximity, that they would inevitably take the form of a bargain, and be weighed one against the other, — value to be bestowed in concessions against value to be received in subsidies. If he followed Bacon's he would endeavor to avoid all appearance of bargaining in such matters, not merely because to dispute about bargains with his people would entail a loss of majesty in their eyes, — a price at which, even if it had been the readiest way to disembarass the Exchequer, the disembarassment would have been dearly purchased, — but because the nature of the reciprocal concessions did not admit of that kind of valuation. To conclude such a bargain as would have made the Crown and the people independent of each other for the future was a thing not to be wished, even if it had been practicable ; and to teach them to expect in return for each vote of supply some particular boon from the Crown of corresponding value, was to lead them away from the consideration of their true function, which was to furnish the government with the means of governing well ; so to maintain the Crown that the Crown might maintain the people. For certainly the duties which the King owed to his subjects were not of a nature to be appraised and reduced to a value in money. What they were worth was not what they might be sold for, but what it might cost to get them done. Therefore, however it might be desirable to

bestow largely upon the people particular boons of pecuniary or other relief, the better to quicken their affection and strengthen their confidence, yet to offer these by way of equivalents for subsidies was utterly wrong and tended to defeat its own purpose.

Again: If the King followed Neville's advice, though he would assume that his people were willing to help him, he would make no secret of the fact that he could not do without their help, and that it rested with them whether they would give it or not. For the price he was to be prepared to give for it was "the being gracious to his people in the points proposed, or *any other of the like nature which might be thought of*," — which was nothing less than the concession of everything which had been or might be demanded. If he followed Bacon's he would endeavor to avoid all appearance, not merely of misgiving as to the affection of the Commons, but of solicitude as to the event. He would let it be understood that he had the means of disembarassing himself without their help, though it would take more time.

Once more: If he followed Neville's advice he would stake all on the issue, and if he lost would be left in a condition as bad or worse than the time before: for the parting could hardly be without another quarrel. If he followed Bacon's he would treat the thing as an experiment, and be prepared to meet a disappointment without discomposure or show of irritation. The growing dependence of the Crown upon the Commons was indeed a fact which it behoved the Crown to accept and understand and remember. The tendency in that direction was inevitable. It is probably no exaggeration to say that the Crown was already dependent upon the Commons; that is, they had it in their power to withhold from the King the means of carrying on the government, and thereby to bring him to their own terms: not indeed absolutely, or at once: but if they chose to persevere in

refusing supplies until the conditions they demanded were complied with, to those conditions he must have come at last. But though this was the fact, it was a fact not yet declared; and most desirable it was that for the present it should be disguised from popular observation. It was fit therefore that the King should act as if that condition were not necessary to him which the Commons might constitutionally refuse. He must in fact be prepared to do without it, and let it be seen that he was so prepared. Bacon saw that to produce this impression was now the King's first object; a *sine qua non*: that if he succeeded in that it would be enough, though he succeeded in nothing else; and therefore that his true policy was to carry matters so that the hope of contribution might not seem to be a principal motive for calling the Parliament, nor any disappointment in that respect a motive for proroguing it; but to treat it as a thing comparatively immaterial, which was not essential to his purposes and did not affect his proceedings: and left him free "to part with his Parliament with love and reverence"—for once: "a thing inestimable to his safety and service."

Finally, if the King followed Neville's advice, he would trust absolutely and implicitly to the good faith and persuasive powers of the opposition leaders, who undertook that if he did what they bid him do, he should have what he wanted. If he followed Bacon's (who had seen many more Parliaments than they), he would endeavor to prevent all canvassing to form a party for him in the House, as that which would be sure to "increase animosities and oppositions;" but would at the same time neglect no fair means of conciliating the support or averting the hostility of the several parties of which the House was composed.

We shall see hereafter what course was followed, and with what results. For the present, the question was

again postponed. On the 4th of July, Lord Northampton reported to Sir Thomas Lake (who was with the court) that the Council were busy with the care of the King's estate: "only of the Parliament, or reasons either to move or remove the same, they had hitherto foreborne to speak; because it was consequent to precedent question or disputes which the Lords of the Commission had now in hammering."

About the time that these things were under discussion, a vacancy in the Bench gave Bacon a chance of promotion in the natural line of his progress. On the 7th of August, 1613, Sir Thomas Fleming, Chief Justice of the King's Bench, died. It was a fair opportunity for removing Sir Henry Hobart from the place of Attorney, for which Bacon, as we have seen, thought him very ill suited; but who, having recovered from his illness was likely to hold it until he could change it for a better. Bacon's first thought seems to have been to get him made Chief Justice in Fleming's place, upon which his own succession to the Attorneyship could hardly have failed to follow, his claim being so undeniable and his help so much wanted: and as it is not to be supposed that he would lose any time in such a matter, we may safely conclude that the following letter to the King was written on or about the 7th of August, 1613.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY, — Having understood of the death of the Lord Chief Justice, I do ground in all humbleness an assured hope, that your Majesty will not think of any other but your poor servants, your attorney and your solicitor (one of them), for that place. Else we shall be like Noah's dove, not knowing where to rest our foot. For the places of rest after the extreme painful places wherein we serve have used to be, either the Lord Chancellor's place, or the



mastership of the Rolls, or the places of the two chief justices : whereof, for the first, I would be almost loth to live to see this worthy counsellor fail. The mastership of the Rolls is blocked with a reversion. My Lord Coke is like to outlive us both. So as if this turn fail, I for my part know not whither to look. I have served your Majesty above a prenticehood, full seven years and more, as your solicitor, which is, I think, one of the painfulest places in your kingdom, specially as my employments have been; and God hath brought mine own years to fifty-two, which I think is older than ever any solicitor continued unpreferred. My suit is principally that you would remove Mr. Attorney to the place; if he refuse, then I hope your Majesty will seek no further than myself, that I may at last, out of your Majesty's grace and favor, step forwards to a place either of more comfort or more ease. Besides, how necessary it is for your Majesty to strengthen your service amongst the Judges by a Chief Justice which is sure to your prerogative, your Majesty's knoweth. Therefore I cease further to trouble your Majesty, humbly craving pardon, and relying wholly upon your goodness and remembrance, and resting in all true humbleness.

Your Majesty's most devoted  
and faithful subject and servant,

FR. BACON.

Upon further reflection it occurred to him that still better use might be made of the occasion. The Chief Justice of the King's Bench, though not the best paid among the Judges, was the highest in dignity; and as the causes with which that court had to deal consisted of offenses against the Crown, I suppose it supplied fewer occasions for inquiring into the limits of the Prerogative than the Court of Common Pleas, which (dealing with civil suits) was continually called upon to adjudicate in

disputes between the subject and the King. To a man of Coke's temper, the position of champion and captain of the Common Law in its battles with Prerogative was a tempting one. His behavior as Chief Justice of the Common Pleas, though accompanied with no alteration in himself, had entirely altered his character in the estimation of the people; transforming him from the most offensive of Attorney Generals into the most admired and venerated of Judges, and investing him with a popularity which has been transmitted without diminution to our own times, and is not likely to be questioned. For posterity, having inherited the fruits of his life and being well satisfied with what it has got, will not trouble itself to examine the bill, which was paid and settled long ago. To us, looking back when all is over, the cost is nothing. To the contemporary statesmen, however, who were then looking forth into the dark future and wondering what the shock of the contending forces was to end in, his triumphs were of more doubtful value. To some of them, even if they could have foreseen exactly what was going to happen, the prospect would not have been inviting. A civil war, a public execution of a King by his subjects for treason against himself, a usurpation, a restoration, and a counter-revolution, — all within one generation, — would have seemed to one looking forward very ugly items in the successful solution of a national difficulty, and those who saw in Coke's judicial victories the beginning of such an end might be pardoned if they desired to find some less dangerous employment for his virtues. Now if he could be raised from the Common Pleas (the ordinary duties of which could be well enough discharged by Sir Henry Hobart) to the King's Bench, he would meet with fewer opportunities of collision with the Crown, and a quieter time might be hoped for. And Bacon who, whether he saw to the end or not, was obliged by his professional duty to see enough of the other side

of all these disputed questions to satisfy him that Coke's activity was not all for good, recommended this arrangement to the King. Such at least is the motive for it which seems to me most probable. I know it has been commonly assumed that Bacon's reason for recommending, as well as Coke's for deprecating, the change was merely or chiefly that it would cause a loss of income. But if a reduction of income had been the only difference, I doubt whether Bacon would have thought it a politic move. In so wealthy a man as Coke the difference of income could have made no difference in reputation; while the rise in dignity would make him a greater man than he was before. And though to Coke himself, as a man who took pleasure in growing rich, the change might be on that account unwelcome, both the reluctance with which he consented to his elevation and the emotion with which he underwent it, seem (if they have not been very much exaggerated in the description) to have been stronger and deeper than so trivial a cause would naturally explain. That he was not so well qualified for a Judge in criminal as in civil causes, would have been a worthier ground of objection, if one could suppose that he was aware of the fact. But for an ambitious man with a firm belief in himself and his own virtue to leave a post in which he acted as a counterpoise to the monarchy, and was continually brought into personal collision with the King himself, on terms of advantage and in the interest of what he believed to be the constitution — this might well be a matter of deep and serious regret. While on the other hand, to a man who thought, as Bacon did, that he was upsetting the constitution on the other side, his removal from such a post would naturally seem to be a piece of good service to the country as well as to the King; nor was there any objection to his being made greater, if at the same time he were made more harmless.

In this case, Bacon's advice was adopted in all points but one. Coke was made Chief Justice of England; Hobart Chief Justice of the Common Pleas; himself Attorney General, and Yelverton Solicitor. Only instead of hanging out the *hope* of a Privy Councillor's place as an inducement to Coke to be more conformable ("My Lord Coke," he had said to the King, "will think himself *near* a Privy Councillor's place, and therefore turn obsequious"), the King made him a Privy Councillor at once, which had a very different effect.

While the Government in England was thus struggling with the difficulties incident to the Parliamentary system at home, a great experiment was in progress for the introduction of Parliamentary government into Ireland; an experiment very remarkable, when the condition of things and the state of opinion in both countries is considered, and very creditable in my judgment both to the advisers and to those who adopted the advice.

If the Reformation had taken the same hold of the native population in Ireland as in England and Scotland, the case would have been manageable. But while of two religions mutually intolerant and aggressive, the government professed one and the people the other, a Parliament which fairly represented the people was not an instrument by means of which government could have been carried on. Protestants still hoped that with the help of the English and Scotch colonists the nation would ultimately be brought round to the true faith. But until that were accomplished, a truly representative Parliament in Ireland would be in effect a Roman Catholic Parliament; between which and the Puritan Parliament of England what could be expected but discord? But though the Catholic party could not be allowed to have a Parliamentary *majority* (seeing that the Government could not be other than Protestant, and constitutional government with a majority against it is an impossibil-

ity), there was no reason why they should not have a Parliamentary *representation*. An opposition may have much influence in a legislative assembly, although it be in a minority: and it was better for Ireland to be governed by a Parliament in which the Catholics had a considerable though not an overruling voice, than to be governed without any Parliament at all; which was the alternative. For that Ireland should be governed by England was a necessity imposed by the nature of things; it being her misfortune to be so placed in the world as to form a military position, which England was obliged for her own security to take and hold. And if she was to have the benefit of a Parliament, it must be one in which England could command a majority.

In some respects the state of things was favorable for the experiment. The existing Parliamentary constitution of Ireland was, upon any view of the case, inadequate to the existing condition of the population. At the accession of Elizabeth there were some fifteen counties, each sending two knights to the Lower House, and containing among them some thirty boroughs, each of which sent its two burgesses. In the course of her reign the rest of the island was converted into "shire-ground," as it was called, and the represented counties were increased by seventeen; but in these there was no borough representation at all. When James took the business in hand, he found that among the representatives of the counties, old and new together, the government could reckon upon a small majority; but that the old boroughs (being mostly in the South, where English colonization had not prospered) turned the balance against them. The natural and apparently the fair remedy for this was to erect within the new counties of the North, where lay the present strength and future hopes of Protestantism, their fair proportion of new boroughs. And this remedy he now resolved to try. His *right* to erect boroughs where

he pleased does not appear to have been disputed, and I do not think he can be justly charged with making an intemperate use of it. The selection of the places was left to Sir Arthur Chichester, who best understood the state of the country; and though care was of course taken to make such a selection as would secure the return of a Protestant majority, yet the fact that upon the first fair trial of strength between the two parties the opposition mustered 97 in a house of 224, proves that the Catholic party was by no means reduced to insignificance. That they would be satisfied with a constitution which placed them in a minority at all, was not indeed to be expected; they would have preferred no doubt to govern themselves for themselves, without reference to England. But that could not be. In the mean time they had a stroke in the management of their affairs which was not to be despised. Compare the numbers, and it will be seen that the native element had a voice in the national councils very much more powerful than we allow to it now. At this day, if all the Irish members were to vote as one man against a bill in the House of Commons, it might nevertheless be carried against them by a majority of five to one. Under the constitution as thus reformed by James, the Irish party (even if we assume that not a single Irish member, properly so called, voted with the government) could not be defeated by a majority of more than seven to three.

In the spring of 1618, all things were at length ready for the experiment; the bills prepared, transmitted to England, revised by the Council, and returned under the Great Seal; license granted to summon and hold Parliament; members elected, and the meeting fixed for the 18th of May. "I wish," said Chichester, writing to Sir John Davies in the previous August, "we might carry it, and prevail in the matters to be handled in this Parliament, as is behoveful for his Majesty's service and

good of the kingdom; but I doubt there will be great opposition to all that is good, and we must encounter them the best we may." A quiet start was hardly to be hoped for, and it was perhaps lucky that the opposition made a false one, which put them unmistakably in the wrong. The first business was to elect a Speaker. Sir John Davies, having been recommended by the Deputy, was duly proposed in the House, and (the motion being opposed) was elected on a division by 127 to 97. But the Noes, who remained in the House while the Ayes went out, took the opportunity of their absence to elect their own man and seat him in the chair; from which the majority, when they returned, had some difficulty in dislodging him. Being, however, a majority, they succeeded by the use of natural forces in removing the intruder and planting Sir John Davies bodily in his place, and so settled that question, leaving to the dissentients no choice but submission or secession. They chose secession. Acting in concert with the members of their party in the Upper House, they refused to take their places unless the members for the new boroughs should be sequestered from the House until their elections had been examined. And as that could not be, they requested that the matter might be referred to the King and that they might send a deputation to plead their cause before him.

The request, upon the recommendation of Chichester, was granted, and in July, 1613, the case was heard before the King and Council with extraordinary patience and indulgence. The complainants were not limited to matters which bore upon the justification of the act in question, such as the character of the new boroughs, the mode of the elections, the constitution of the House, or the order of proceeding in it: but were allowed to put in budget after budget of miscellaneous grievances, extending over the whole field of Irish government. Nor were any of these set aside as irrelevant. Every kind of alle-



gation was received and listened to which would have been fit to bring before a committee appointed to inquire into the general grievances of the Commonwealth; and so far was the indulgence carried that the discussions ended in a resolution to send four Commissioners over to Ireland with instructions to investigate them all upon the spot.

I do not find that Bacon had anything to do either with the project of calling this Irish Parliament or with the measures taken by way of preparation; nor do I remember in any of his own papers of advice about Ireland any allusion to an Irish Parliament as a convenient instrument for the cure of existing evils. I have no doubt, however, that when the King had gone so far, he would have advised him to go through with it; and it may have been in consequence of his remarks upon these instructions (as originally drawn in his absence by the Attorney General), that they were afterwards divided into two distinct sets, — the first "concerning matters of Parliament," the second "concerning the general grievances of the kingdom. On the 12th of November the Commissioners sent in their report."

Undue elections in two cases, — a few members returned by boroughs erected subsequently to the issue of the writs, or otherwise not duly entitled, — and considerable oppressions on the part of the soldiers (though without the countenance or knowledge of the Government), — seem to have been the sum of what they found substantiated. And since for all such complaints redress might have been sought in an orderly way, the complainants remained without any plausible justification of their late proceeding, and were obliged to submit. The seat of the disorder was indeed beyond the reach of argument or conciliation, and the present settlement was far from being a cure; but the Government so far prevailed for the time as to maintain their ground and try their ex-

periment. The patience with which the remonstrants had been heard and the concessions which they had obtained, in the very stronghold of the enemy, had shown them that to be in a minority was not to be powerless, and reconciled them to a trial of their strength in fair Parliamentary debate. It was not till the 12th of April 1614, that the King gave his formal answer to their complaints, and some months more had to pass before the directions were issued which the report of the Commissioners rendered necessary. But all was done in time. Eight of the new boroughs had been erected subsequently to the writs of summons to the Parliament; from two others there had been false returns: and there were three besides which had no title to be represented at all. Orders were accordingly issued that none of the burgesses returned from any of these should take their seats in the present House. And at the same time a bill for the banishment of Catholic priests (which was to have been proposed, and the apprehension of which is believed to have been the real cause of the commotion) was withdrawn. On these conditions the seceding members consented to take their places when the Parliament should be re-assembled, to admit the representatives of the new boroughs as lawful members of the House, and (I suppose) to withdraw the objection which they had originally made against the boroughs themselves, as being too small and poor to furnish either constituencies or representatives of decent quality. For it is to be observed that this part of the grievance, though it held the most prominent place in the first complaints and was in itself (if truly alleged) by far the weightiest and most serious, — for the others were functional and temporary, whereas this was organic and permanent, — was left unredressed, and yet no more noise was made about it. To conclude from this that the objection had been withdrawn as unfounded would perhaps be too much. But

in the absence of all evidence as to the fact, other than sweeping assertions by parties who were not always careful to weigh their words (for the question was not included among those referred to the Commissioners for investigation), it is but fair to place by the side of the complaint the answer which the King gave to it; from which it will be seen that though the places may have been poor, the selection of them for boroughs may nevertheless have been politic, as tending to *draw* wealth and population towards the parts where it was wanted. "Because the eye of the master doth make the horse fat" (said the King), "I have used mine own eyes in taking a view of those boroughs, and have seen a list of them all. God is my judge, I find the new boroughs, except one or two, to be as good as many of the old boroughs, comparing Irish boroughs new with Irish boroughs old, for I will not speak of the boroughs of other countries: and yet besides the necessity of making them, I find them like to increase and grow better daily. I find besides, but few erected in each county, and in many counties but one borough only; and those erected in fit and convenient places, near forts and passages for the safety of the country. Methinks you that seek the good of the kingdom should be glad of it. I caused London also to erect boroughs there, which when they are thoroughly planted will be a great security for that part of the kingdom; therefore you quarrel at that which may bring peace to the country."

The reluctance of Coke to be promoted to the Chief Justiceship of England was at length overcome, and the other changes followed according to Bacon's suggestion. "On Monday," says Chamberlain, writing to Carleton on Wednesday the 27th of October, "the Lord Coke (though never so loth) was called up into the King's Bench, and there sworn Chief Justice. He parted dolefully from the Common Pleas, not only weeping himself,

but followed with the tears of all that Bench, and most of the officers of that Court. The next day Sir H. Hobart was made Chief Justice of the Common Pleas, Sir Francis Bacon Attorney, and Yelverton Solicitor. There is a strong apprehension that little good is to be expected by this change, and that Bacon may prove a dangerous instrument."

It was probably at this time that Bacon wrote the following letter to the King; which comes from the collection at Lambeth. It is a copy or draft very hastily written in his own hand, and has no date. But it evidently refers to some promotion, and the word "procurator" is most proper to the place of Attorney General.

TO THE KING.

IT MAY PLEASE YOUR MA.,—A full heart is like a full pen; it can hardly make any distinguished work. The more I look into mine own weakness the more I must magnify your favors, and the more I behold your favors the more I must consider mine own weakness. This is my hope, that God who hath moved your heart to favor me will write your service in my heart. Two things I may promise; for though they be not mine own yet they are surer than mine own, because they are God's gifts; that is integrity and industry. And therefore whensoever I shall make my account to you, I shall do it in these words, *ecce tibi lucrifeci*, and not *ecce mihi lucrifeci*. And for industry, I shall take to me in this procurator not Martha's part, to be busied in many things, but Mary's part, which [is] to intend your service; for the less my abilities are the more they ought to be contracted *ad unum*. For the present I humbly pray your Majesty to accept my most humble thanks and vows as the forerunners of honest services which I shall always perform with a faithful heart.

Your Majesty's most obedient servant,

FR. BACON.

To reconcile Coke to his elevation, the King had been obliged to promise that "if he would accept it, he should do it with as much honor as ever any one went to that place;" which was understood to be a promise of a councillorship at the least. And accordingly on the 7th of November, as we learn from the same authority, "the Lord Coke (with many good and gracious words) was sworn a Privy Councillor; which honor no man envies him, if he keep in his right course, and turn not to be Attorney again."

The occasion on which he received this last distinction was the ceremonial of creating Viscount Rochester Earl of Somerset; in preparation for his marriage with Lady Essex, whose divorce from her husband had at last been legally accomplished. The proceedings in this case had kept both the Commissioners and the King very busy during the whole summer; but as Bacon had no part in them, either direct or indirect, I am happily relieved from the duty of saying more about them. Such a case could not be known to be going on without giving rise at the time to much discussion, many rumors, and strong feelings; and the curiosity of posterity has been gratified by abundant details. But what the outside world *knew* about it at the time, was only that after long investigation and argument before judges whose character and competency were not disputed, the majority had pronounced the previous marriage null and void. Not having heard the case, the public had not the means of criticising the judgment; and therefore even if it would have been otherwise their duty to judge the judges, it could not be their duty in this case at this time. "The marriage twixt the Earl of Essex and the Lady Frances Howard is dissolved" (writes Chamberlain on the 14th of October), "and pronounced a nullity, by the Bishop of Winchester, who with the Bishop of Rochester were only supernumerary to the first commissioners, and so cast the

balance by weight of numbers, being seven to five. The morning that the matter was to be decided, the King sent express commandment that in opening they should not argue nor use any reasons, but only give their assent or dissent; and in the sentence there is no cause expressed but in these terms; *propter latens et incurabile impedimentum.*"

It is but fair to the world of rank, wealth, fashion, and business, which hastened soon after to congratulate the bride and bridegroom with gifts unprecedented in number and value, to remember that this was the result of the inquiry as far as it was made known to them. It does not follow that they would have done the same if they had known what we know.

The marriage took place on the 26th of December, and the festivities continued until Twelfth Night, when they were wound up with a complimentary offering from Bacon: an offering so costly, considering how little he owed to Rochester and how superficial their intercourse had been, and at the same time so peculiar, that it requires explanation.

The sort of terms upon which Bacon stood with Rochester may be inferred from the single letter which is known to have passed between them, a remembrance of his claims to the Mastership of the Wards, then vacant by the death of Sir George Cary, — which is chiefly remarkable for the absence of everything that, according to the common view of his character, might have been expected on such an occasion in a letter to the man who had been the King's personal favorite for many years and had greater influence with him then than ever before. "If it should, in a middle region, go to lawyers, then I beseech your lordship have some care of me." It is not possible, indeed, to suppose that there had ever been any intimacy between them — any confidential correspondence or any interchange of services. Such a rela-

tion could not have subsisted between so considerable a man as Bacon and so great a person as Rochester, whom everybody was talking of and looking at, without being observed and remembered. If Bacon had had any influence with the man who for the last five or six years had kept the gate of the King's affections, he must have had very frequent occasions to use it — and to use it in a way which was sure to leave traces. The one letter about the Mastership of the Wards would have been one of many such. But there is no trace of anything of the kind. On the contrary, when he wants the King's favorable ear, he writes to the King himself, and begs that it may be in private. It seems, however, that in his recent promotion to the Attorney Generalship, Rochester had put himself forward as his patron. "I must never forget," says Bacon, writing to the King about two years after, "when I moved your Majesty for the Attorney's place, it was your own sole act; more than that Somerset, when he knew your Majesty had resolved it, thrust himself into the business for a fee." Now if, as I suppose, he stood on terms of courtesy with Somerset, though not of affection, respect, or confidence, it must have been unpleasant to owe even a seeming and pretended obligation to him. The approaching marriage gave him an opportunity to pay it off. While all the world were making presents, — one of plate, another of furniture, a third of horses, a fourth of gold, — he chose to present a masque: for which (if I have succeeded in filling up the blanks in the story correctly) an accident supplied him with a handsome opportunity. The year before, on occasion of the marriage of the Lady Elizabeth, two joint-masques had been presented by the Inns of Court, — one by the Middle Temple and Lincoln's Inn, the other by Gray's Inn and the Inner Temple. On the present occasion it had been proposed that all the four Inns of Court should join in getting up a masque. But it could not be managed.



whereupon Bacon offered on the part of Gray's Inn to supply the place of it by a masque of their own.

All this, except the date (which must be matter of conjecture), appears from a letter which, though the direction has been torn off with the flyleaf, I have no doubt was addressed to Somerset on this occasion. It is a single leaf, and contains only the following words written in Bacon's hand : —

IT MAY PLEASE YOUR GOOD L., — I am sorry the joint masque from the four Inns of Court failed ; wherein I conceive there is no other ground of that event but impossibility. Nevertheless, because it falleth out that at this time Gray's Inn is well furnished of gallant young gentlemen, your L. may be pleased to know that rather than this occasion shall pass without some demonstration of affection from the Inns of Court, there are a dozen gentlemen of Gray's Inn that out of the honor which they bear to your Lordship and my Lord Chamberlain, to whom at their last masque they were so much bounden, will be ready to furnish a masque : wishing it were in their powers to perform it according to their minds. And so for the present I humbly take my leave, resting

Your Ls very humbly

and much bounden

FR. BACON.

The Lord Chamberlain was the Earl of Suffolk, who was the bride's father : so that everything seems to fit. But though Bacon speaks of it as a compliment from Gray's Inn, Gray's Inn was in reality to furnish only the performers and the composers. The care and the charges were to be undertaken by himself ; as we learn from a news-letter of Chamberlain's, whose information is almost always to be relied upon. Writing on the 23d of December, 1613, he says : —

"Sir Francis Bacon prepares a masque to honor this marriage, which will stand him in above £2,000. And though he have been offered some help by the House, and specially by Mr. Solicitor, Sir Henry Yelverton, who would have sent him £500, yet he would not accept it, but offers them the whole charge with the honor. Marry his obligations are such, as well to his Majesty as to the great Lord and to the whole house of Howards, as he can admit no partner."

The nature of the obligation considered, it will be seen that there was judgment as well as magnificence in the choice of the retribution. The obligation (whether real or not) being for assistance in obtaining an *office*, to repay it by any present which could be turned into money would have been objectionable, as tending to countenance the great abuse of the times (from which Bacon so far stands quite clear) — the sale of offices for money. There was no such objection to a masque. As a compliment, it was splendid, according to the taste and magnificence of the time; costly to the giver, not negotiable by the receiver; valuable as a compliment, but as nothing else. Nor was its value in that kind limited to the parties in whose honor it was given. It conferred great distinction upon Gray's Inn, in a field in which Gray's Inn was ambitious and accustomed to shine.

The piece performed was published shortly after, with a dedication to Bacon, as "the principal and in effect the only person that did both encourage and warrant the gentlemen to show their good affection towards so noble a conjunction in a time of such magnificence; wherein" (they add) "we conceive, without giving you false attributes, which little need where so many are true, that you have graced in general the Societies of the Inns of Court, in continuing them still as third persons with the Nobility and Court in doing the King honor; and particularly Gray's Inn, which as you have formerly brought to flourish both in the ancients and younger sort, by

countenancing virtue in every quality, so now you have made a notable demonstration thereof in the lighter<sup>1</sup> and less serious kind, by this, that one Inn of Court by itself in time of a vacation, and in the space of three weeks, could perform that which hath been performed; which could not have been done but that every man's exceeding love and respect to you gave him wings to overtake Time, which is the swiftest of things." The dedicators (whom I suppose to be the authors) sign themselves J. G., W. D., and T. B.: and from an allusion to their "graver studies" appear to have been members of the Society. It is entitled "The Masque of Flowers," and may be seen in Nichols's "Progresses,"—a very splendid trifle, and answering very well to the general description in Bacon's Essays of what a Masque should be,—with its loud and cheerful music, abundance of light and color, graceful motions and forms, and such things as "do naturally take the sense,"—but having no personal reference to the occasion, beyond being an entertainment given in honor of a marriage, and ending with an offering of flowers to the bride and bridegroom.

Of serious business, the first piece that Bacon found waiting for him in his new office was an attempt to put a stop to the practice of duelling, which had become alarmingly fashionable. "Though there be in show a settled peace in these parts of the world," writes Chamberlain on the 9th of September, "yet the many private quarrels among great men prognosticate troubled humors, which may breed dangerous diseases, if they be not purged and prevented. I doubt not but you have heard the success of the combat 'twixt Edward Sackville and the Lord Bruce (or Kinlos), 'twixt Antwerp and Lille, wherein they were both hurt, the Lord Bruce to the death, so that Sackville was driven to take sanctuary, whence by corruption or connivance I hear he is escaped.

<sup>1</sup> Printed "later."

Here is speech likewise that the Lord Norris and Sir Peregrine Willoughby are gone forth for the same purpose, and that the Lord Chandos and the Lord Hay are upon the same terms. There was a quarrel kindling 'twixt the Earle of Rutland and Montgomery : but it was quickly quenched by the King, being begun and ended in his presence. But there is more danger 'twixt the Earl of Rutland and the Lord Davers, though I heard yesterday it was already, or upon the point of compounding. But that which most men listen after, is what will fall out 'twixt the Earl of Essex and Mr. Henry Howard, who is challenged and called to account by the Earl for certain disgraceful speeches of him. They are both gotten over, the Earl from Milford Haven, the other from Harwich, with each of them two seconds. . . . The last news of them was that the Earl was at Calais and the other in Zealand. The King hath sent a post to Calais to the Governor, to stay them or either of them, and young Gib of the bed-chamber is sent with commandment from the King to them both, if he come in time."

On this last occasion the King published a Proclamation of his own composition, and then took advice with his lawyers as to the measures which should be taken to put a stop to this practice. An undated paper, printed in the first edition of Dalrymple's "Memorials and Letters," from an original in Bacon's handwriting, belongs I suppose to this time and occasion. Whether it was before or after the King's proclamation (which came out near the end of October) I cannot determine, for I do not know where a copy of that proclamation is to be found. Nor does it much matter, for this paper evidently contains either Bacon's answer to the King's question, what should be done for the prevention of the practice generally, or a suggestion of his own to the same effect.

## A PROPOSITION FOR THE REPRESSING OF SINGULAR COMBATS OR DUELS.

First, for the ordinance which his Majesty may establish herein, I wish it may not look back to any offense past, for that strikes before it warns. I wish also it may be declared to be temporary, until a parliament; for that will be very acceptable to the parliament; and it is good to teach a parliament to work upon an edict or proclamation precedent.

For the manner; I should think fit there be published a grave and severe proclamation, induced by the overflow of the present mischief.

For the ordinance itself: first, I consider that offense hath vogue only amongst noble persons, or persons of quality. I consider also that the greatest honor for subjects of quality in a lawful monarchy, is to have access and approach to their sovereign's sight and person, which is the fountain of honor; and though this be a comfort all persons of quality do not use; yet there is no good spirit but will think himself in darkness, if he be debarred of it. Therefore I do propound that the principal part of the punishment be, that the offender (in the cases hereafter set down) be banished perpetually from approach to the courts of the King, Queen, or Prince.

Secondly, That the same offender receive a strict prosecution by the King's attorney, *ore tenus*, in the Star-Chamber; (for the fact being notorious, will always be confessed, and so made fit for an *ore tenus*). And that this prosecution be without respect of persons, be the offenders never so great; and that the fine set be irremissible.

Lastly, For the cases, that they be these following:—

1. Where any singular combat, upon what quarrel soever, is acted and performed, though death do not ensue.
2. Where any person passeth beyond the seas, with

purpose to perform any singular combat, though it be never acted.

3. Where any person sendeth a challenge.

4. Where any person accepteth a challenge.

5. Where any person carrieth or delivereth a challenge.

6. Where any person appointeth the field, directly or indirectly, although it be not upon any cartel or challenge in writing.

7. Where any person accepteth to be a second in any quarrel.

This advice was substantially acted upon. "His Majesty's elict and severe censure against private combats and combatants," etc. (which seems to have been meant for such a "grave and severe proclamation" as Bacon recommended), was published in the course of the autumn, and contained an explanation of the intentions of the Government much in accordance with his suggestions. The composition, however, having been left to the care and taste of the Earl of Northampton, it is difficult to get at the matter for the art, and it can hardly have taken effect upon popular opinion. It was probably from a perception of this (though such a motive could not be declared) that Bacon took another course to make the determination of the Government in the matter known and respected. Sir Henry Hobart, when he was raised to the Bench, had in his hands a case of duelling. In what shape it came before him and how he proposed to treat it, we are not informed; but it was a case in point and ready for hearing. A challenge had been sent and refused. The persons were obscure, and there does not appear to have been anything in the circumstances to aggravate the offense, but it would serve the purpose of an example and (properly handled) of a proclamation. Bacon accordingly brought it before the Star Chamber at

the first sitting of the Court in Hilary Term (26 January, 1613-14), and handled it so that the publication of his speech with the decree of the Court annexed (which was part of the order) formed an excellent declaration both of the state of the law with regard to challenges and the resolution of the Government to enforce it.

NOTE ON THE TERMS SUBSIDY AND FIFTEENTH.

"An aid to be levied of every subject of his lands or goods, after the rate of 4s. in the pound for lands and 2s. 8d. for goods, to such ends, . . . and to be paid at such times, as by the Acts thereof do appear." "A *fifteen* is a temporary aid granted to the King by Parliament, which without further inquiry is certain. . . . Of ancient time, the fifteenth part of goods movable; but in 8 Ed. III., all the cities, boroughs, and towns in England were rated certainly at the fifteenth part of the value at that time generally upon the whole town." . . . "There is a *decima pars* of the laity, and for the most part of cities and boroughs, by their goods, which proportionably is *secundum decimam quintam partem*." . . . "In former times . . . the Commons never gave above one subsidy of this kind and two fifteens (and sometimes less); one subsidy amounting to £70,000, and each fifteen to £39,000, or near thereabouts. Nor above one subsidy, which did rise to £20,000, the clergy gave not. . . . In 31 Eliz. the Commons gave two subsidies and four fifteens, which first brake the circle." (Coke's Inst., part iv., c. 1.)







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